"APENTA"

The Best Natural Laxative Water.

The most certain and comfortable cathartic in cases of constipation and sluggish liver or piles.

Sole Exporters: THE APOLLINARIS CO., LD

THORN TALKS FOR HIS LIFE.

BOTH VERSIONS OF GULDENSUPPE'S KILLING ARE NOW BEFORE THE JURY.

THE TESTIMONY FOR PROSECUTION AND DEFENCE ALL IN, AND THE VERDICT MAY BE RETURNED TO-DAY—THE ALLEGED MURDERER COOL AND SELF-POSSESSED ON THE STAND, AND A VISIBLE IMPRESSION IS MADE BY HIS DEMEANOR.

All the evidence that will be presented to the jury which is trying Martin Thorn for the murder of William Guldensuppe is in. The witnesses on both sides have been exhausted, and all that now remains is the summing up of counsel, the charge of the Judge and then the verdict. Mr. Howe will begin his final appeal on behalf of the jury at 9:30 o'clock this morning, and both he and District-Attorney Youngs, who will follow, are expected to close their addresses by the time recess is taken for luncheon. A long charge is not looked for from Justice Maddox, and it is expected that the issue will be left with the jury at about 3 o'clock in the afternoon.

Opinions, both lay and legal, differ materially as to the probable verdict. The prediction was openly expressed after the adjournment of the court last night by many people who have followed the trial closely that there is every likelihood of a disagreement among the jury. In the last day or two a marked change of feeling regarding Thorn's guilt in the actual committal of the murder has set in. Expressions of doubt have taken the place of the positive declarations until recently uttered by the majority of those who attended the court day after day, and the outcome is by no means certain.

It was known that Thorn would take the stand in his own behalf yesterday. It was expected, also, that much of his testimony might be sensational, and in consequence an enormous crowd endeavored to gain admittance to the stuffy and dingy courtroom. But only those armed with Sheriff Dont's permits got past the attendants. Hitherto, among the spectators in the galleries there have been a large number of women, who have listened unmoved to testimony of the most objectionable kind. Yesterday, because of the probability that Thorn's testimony might be unfit for a woman's ears, Sheriff Doht issued instructions that none but men should be allowed in the court. Despite these orders, however, eight or nine women managed to get seats in the galleries. As some of them prominently displayed a writing-pad and pencil, the presumption was that they gained entrance on the plea that they were newspaper women, and that, in the interests of their papers, it was their duty to be impervious to anything that might happen. As it happened, however, the evidence was not more repulsive than any given on previous days.

THORN'S COMPOSURE TRIAL'S FEATURE.

Thorn was on the stand for nearly five hours. He left it with the same calm, self-possessed appearance he wore when he ascended the witness chair in the morning. For nearly three hours he withstood the fierce fire of ex-Judge Weller's cross-examination with an unfaltering composure. Whatever the man's inner feelings were when, as frequently happened, the counsel had him in the tightest of places, and when a misstatement might have shattered his whole defence, Thorn never lost his head. He rarely returned an answer without seemingly turning it over in his mind, and at times, when it appeared that he wished to collect his thoughts, he would coolly ask that the question might be repeated to him. Now and again his sallow face would grow a trifle paler, but that was the only evidence he showed of the effect of the ordeal through which he was passing. He allowed little inflection to creep into his voice. Resting his elbows on the arms of his chair, leaning slightly toward whoever was examining him, he gave his testimony in a slow monotone that had not the least trace of feeling in it.

That the true story of the manner in which the unfortunate bathrubber was murdered, mutilated and his cut-up body disposed of, has come out was made plain yesterday. Mrs. Nack's recount of the details was borne out in substance by Thorn's testimony, the only discrepancy being as to who played the leading part in the brutal tragedy. Mrs. Nack said that Thorn fired the shot that ended Guldensuppe's life. Thorn said yesterday that Mrs. Nack lied, and that it was she—"this modern Lady Macbeth," as Mr. Howe called her—who fired the shot.

HIS STORY FULL OF DETAIL.

Thorn told his version of the crime with the utmost detail. His accusation of Mrs. Nack was deliberate and circumstantial. He told how, when he reached the Woodside Cottage on the fatal day, the woman met him at the door and told him that Guldensuppe was lying dead upstairs and that she had shot and killed him. This was the first intimation, Thorn said, that he had of the purpose for which Mrs. Nack had rented the Woodside cottage. Up to that moment he understood she was going to start a baby farm there, and that he was to live with her and share the profits. He described in detail how, after Mrs. Nack had begged him to help her get rid of the body, he accompanied her to the room on the second floor, where he found Guldensuppe lying on his side dead from a bullet-wound in the right side of the head. Mrs. Nack told him she had carried the revolver in her hand covered by a handkerchief, and that as Guldensuppe was looking into a closet she shot him in the side of the head.

The prisoner admitted that he went out and bought two pounds of plaster of paris at Mrs. Nack's direction and returned with it shortly afterward. When he got back to where the body lay Mrs. Nack was still there and he helped her undress the corpse. Between them they carried the body to the bath tub and Mrs. Nack cut it into five pieces. She first cut the head from the trunk with the aid of a knife and saw. Then she severed the trunk and boasted of her knowledge of anatomy while so doing. Then she severed the legs, using the knife and saw, and at 4 o'clock in the afternoon she went out to get some fresh air, as it was warm and sultry in the house.

About 5 o'clock she returned, and then, she carrying a bundle containing the murdered man's clothes and the pistol, saw and knife, and he with the head in a parcel under his arm, left the house and took a trolley-car to the ferry to New-York. From the rear of the boat he dropped the head into the East River, and when they reached New-York she went to her rooms on Ninth-ave. and burned the clothes in a cooking stove. The next day the rest of the body was made up into three parcels and disposed of in the manner in which Mrs. Nack told at the last trial.

MRS. NACK NOT TO TESTIFY.

It came out toward the close of the trial that the prosecution did not intend to call Mrs. Nack again. District-Attorney Olcott explained, in justifying this course, that Mrs. Nack had refused to testify, but Mr. Howe was not slow in expressing his opinion that it was because the State was afraid to put her on the stand again. Mr. Howe was unprepared for this step, and urged that the woman should be put upon the stand again. Mr. Howe wanted his witness to have the opportunity of flatly denying the statements of Mrs. Nack at the first trial. As she was not to be called again he was not allowed to have the opportunity of getting these denials before the jury. The only way he could do so was to call Mrs. Nack himself, and then submit her to the mercies of the State as a witness upon cross-examination. It was a hard blow for the defence, and Mr. Howe felt it so. He protested vigorously and strongly, but the Court stood by its ruling.

Mr. Howe's address to the jury was given with all his old tearfulness and melodramatic power. He was dressed wholly in black, and, contrary to his custom, wore little jewelry. In the course of his address he remarked with great display of feeling: "I have always tried to do my duty honestly. I am now in the sere and yellow leaf. My career on this earth cannot be long. Gentlemen, I have never attempted to deceive a jury. I tell you that Augusta Nack is the slayer of William Guldensuppe." At this there were a few auditors who tittered audibly.

MR. HOWE'S ADDRESS.

When the court convened Mr. Howe delayed his opening address to the jury on behalf of Thorn for a moment, to recall John Gotha, the principal witness for the prosecution. The prisoner's counsel, however, merely wanted to ask Gotha whether he had ever been an inmate of the Inebriates' Home, at Fort Hamilton. The witness replied that he had not, and Mr. Howe proceeded at once with his address. Without waste of time or beating around the bush he began by declaring Martin Thorn innocent of the murder of William Guldensuppe.

"We shall show you," he said, "that the killing of Guldensuppe germinated in the mind of the adulterous assassin Augusta Nack. We shall show you beyond contradiction that it was she who hired the place, the Woodside cottage, and hired it, as she has testified, for the purpose of converting it into a slaughter-house in which to take the life of her lover, who had supplanted her love for her husband. Appalling as it may be, we will show you that this creature prepared the coffin for her intended victim.

"In my long course of conducting such trials I always try to conduct them fairly, and not with any attempt to deceive the jury. When we selected you it was done with care, and we asked you if you had read the evidence under oath of that woman, Mrs. Nack, as we wanted your verdict to be impartial. Knowing the great responsibility upon you, I told you if the evidence warranted it you should convict, and if, on the contrary, there was a reasonable doubt you should give it to this defendant. You will find as sure as day follows the night that Augusta Nack, and not Martin Thorn, committed this deed."

THORN PICTURED AS A DUPE.

Mr. Howe then dwelt at some length upon the separation of Mrs. Nack from her husband and of her relations with the murdered man. He was vehement in his condemnation of her character and contended that she had abundant motive for putting Guldensuppe out of the way, in that he was continuously pestering her for money, and she wished to get rid of him for other reasons. Conspicuous among these reasons, Mr. Howe said, was her desire to lavish her affections unmolested upon Thorn. Then Mr. Howe went on to charge Mrs. Nack with the committal of the murder, the sole basis of the defence, as he outlined it, being apparently to save Thorn at the expense of Mrs. Nack. In this effort to fasten the guilt upon the woman Mr. Howe spoke first of her allurement of the victim to Woodside.

"She told Guldensuppe," Mr. Howe explained, "that she was going to live in Long Island City at the Woodside cottage, where they would conduct a baby farm. Then she told Thorn the same story to throw him off the track, she having in mind this deadly work that was to be. She said, 'We will hire a place somewhere in the country, where we can live quietly and unobserved.' Then I understand she went to West Farms, but that did not suit. It was too public. So they came to Woodside, as is in evidence, and hired that cottage. She told poor Thorn they could live there unmolested and unobserved. As we will show, she bought the oilcloth while Guldensuppe was yet alive. There is no escaping from that. She swore to it on the stand. How can she explain it, having admitted that she bought it on the day before the crime to wrap up the parts of the body?

THE COTTAGE KEY MADE MUCH OF.

"Then she took Guldensuppe, her lover, to have him killed, so she says, for her confession remains. The day after she bought the oilcloth she came over in the morning with Guldensuppe. She obtained from Thorn the night before the key of the Woodside cottage. We will show that she went over with Guldensuppe, as Clara Nunheimer and Mrs. Walley, as witnesses for the State, testified. She took Guldensuppe, her lover and victim, to the house. She shot Guldensuppe with her pistol, which has been produced here in court. Then she cut him up with a knife and a saw, which have not been produced in court, but of which I will have something to say later on.

"At 11 o'clock she goes to the cottage, according to Mrs. Nack's own statement, with Guldensuppe, and Guldensuppe is taken into the house by her to be killed. Thorn comes over to the house some time thereafter. Now, Mrs. Nack, having the key and letting Guldensuppe in, Thorn could not have been in the house before she arrived. Thorn got there and at the door Mrs. Nack let him in. Said she: 'I have got Guldensuppe upstairs. I have shot him.' Thorn walked upstairs and saw the body on the floor. The blood was oozing from the temple and he said, 'Why did you do it?' She replied, 'We'll cut him up and dispose of the body. I have all the stuff necessary.' This abortionist and anatomist could carve a body as you could carve a turkey.

A CHALLENGE TO THE STATE.

"She made the proposition. This Lady Macbeth and all other abortionists rolled into one then plunged into the bloody work. I would like to hear the lawyers, the learned counsel for the State, explain the oilcloth which this murderess bought to wrap up the portions of her victim's body. Martin Thorn will tell you, Martin Thorn, a piece of pliable putty in her hands, will tell you that this vile woman cut the body up and dismembered it while he held it for her. Then this woman took the clothes of this dead lover, and—can you believe it—carried them away to her own home, and put them in the stove—the cook stove—and she stood calmly by and looked on and saw the fire do its work to consume and destroy the evidence that her lover had been killed.

"That's the creature who talks of 'confessing to make her peace with God.' Having been once on the stand, it is only just to the people and the prisoner that she be put on again, but she doesn't dare take the stand to contradict Thorn. Thorn did go out for the plaster of paris, it being arranged between them that the head should be incased in plaster, and Thorn bought the plaster into which to put the head which had been decapitated."

CONTEMPT FOR GOTHA'S TESTIMONY.

Proceeding to comment upon Gotha's testimony, Mr. Howe said there was no other evidence but this of the killing. He sought to impress upon the jury that Gotha's course had been influenced by the offer of a reward of $1,000 for the conviction of Guldensuppe's murderer, and asked the jury to weigh carefully the evidence to be given by Thorn and the story told by Gotha, predicting that they would have little hesitation in arriving at the conclusion that it was at Mrs. Nack's hand that Guldensuppe met his death. Before ending his address Mr. Howe admitted that Thorn had told a series of falsehoods to Captain O'Brien, but explained that his client had done so only to protect the woman with whom he was madly infatuated.

Before resuming his seat Mr. Howe suggested to the Court that the jury should be allowed to examine the Woodside cottage. District-Attorney Youngs said he was agreeable to this, but asked that the visit should be deferred until to-day.

Then was begun the hearing of the evidence for the defence. Samuel Reitz, of Lexington-ave., New-York; J. Schlowitz, of Greenpoint, and Adam Schmidt, of this city, each of whom in the last few years has employed Thorn in his barber shop, were called in quick succession, and spoke favorably of the prisoner's character as a workman.

THORN GOES ON THE STAND.

The clock was just on the stroke of 11 when Mr. Howe called upon Thorn to take the stand. Immediately a murmur of expectation floated over the court, and all eyes were turned upon the man whose only hope for life lay in his ability to impress the jury with a belief in the story he was about to tell.

With the utmost unconcern Thorn left his seat and made his way around the jury box to the witness-stand. Replying to Mr. Howe's preliminary questions, he said his proper name was Martin Torzensky, and that he had abbreviated that into his present name when he came to this country, seventeen years ago. He gave his age as thirty-three years, and said he was born in Germany. From the time he arrived in this country he had earned his living as a barber.

Mr. Howe quickly took Thorn through his career to the time, a year and a half ago, when he was fated to come into Mrs. Nack's life. Eighteen months ago Thorn advertised for a furnished room, and, as a result of a letter, he received from Mrs. Nack, he became a lodger in her flat at No. 4 Ninth-ave. Mr. Howe's examination then proceeded in this way:

SAYS MRS. NACK MADE LOVE TO HIM.

Q.—Did any one live with her? A.—Yes; William Guldensuppe.

Q.—Was he living there as Mr. Nack? A.—I understood he was her cousin.

Q.—She told you he was her cousin? A.—Yes, sir.

Q.—After you were there some time you found out he was not? A.—Yes, sir.

Q.—He passed as Mr. Nack. A.—Yes, sir.

Q.—Did Mrs. Nack make love to you, or you to her? A.—She made love to me.

Q.—Did you love her in return? A.—I did.

Q.—Very fondly. A.—Very.

Q.—Did you love her up to the time she took that witness-stand? A.—Yes, sir; up to that time.

Q.—When you were working in barber-shops after she and you commenced to love each other did she ever send messages or anything to you? A.—Yes; letters.

Q.—A love letter? A.—Yes, sir.

Q.—Did you respond? A.—I did.

Q.—William Guldensuppe was a bath-rubber, was he not? A.—He was.

Q.—What were his hours of work? A.—From 3 o'clock in the afternoon to 2 o'clock in the morning.

THE FIGHT WITH GULDENSUPPE.

Q.—While Guldensuppe was away at his work, did you take his place with Mrs. Nack? A.—I did.

Q.—Guldensuppe discovered you there once? A.—Yes.

Q.—When was that? A.—In February, 1897.

Q.—Tell the jury what occured at that time? A.—We had a fight; Guldensuppe took up a beer bottle and tried to hit me with it. I drew a revolver and he put the bottle down. I put the revolver back in my overcoat pocket. Guldensuppe caught hold of me, and during the trouble the pistol went off. He then beat me so severely that I had to go to the hospital. A week afterward Mrs. Nack sent me a love letter and asked me to meet her at her home, in Ninth-ave., and I did so. But she said she was very sorry for what had occurred, and said to me to have patience, and she would get rid of him later on.

Q.—Did you threaten to hurt Guldensuppe? A.—No, I never did.

THE NEW TALE OF THE KILLING.

After telling of Mrs. Nack's desire to leave Guldensuppe, Mr. Howe opened the way for Thorn to recite his version of the murder. District-Attorney Youngs frequently objected to some of Mr. Howe's questions, because of their leading character, but Justice Maddox gave as much latitude as possible to the defence, and Thorn was allowed with little interruption to place the responsibility for the actual killing upon his mistress. He testified that he had taken the Woodside cottage at the behest of Mrs. Nack, who gave him the money to pay a month's rent in advance. They passed as Mr. and Mrs. Braun.

"On June 24," Thorn went on to testify, "Mrs. Nack came to me and said, 'Give me the key, I want to go to the cottage and clean the windows.' She told me to come over in the forenoon at about 11 o'clock, on the following day. I did so, and when I got to the cottage I found the front door open and Mrs. Nack standing in the hallway very much excited. I asked her what was the matter, and she said, 'I left Guldensuppe upstairs. He is dead.'

"I said, 'How's that?' and she replied, 'I shot him and got rid of all my troubles.'

"Then I asked her what she was going to do, and she answered that we would have to get rid of the body.

"I told her I would have nothing to do with it, but went upstairs with her and saw the body lying on the floor near the closet.

"I asked her, 'How will you get rid of the body?' She replied, 'We will have to cut it up, carry it away in pieces and put the head in plaster of paris.'

EVERYTHING PREPARED BY THE WOMAN.

"I went to a store to get some plaster, and when I returned Mrs. Nack had taken off her dress. The body was then in the bathtub. I got over the body and held it. Mrs. Nack began to cut off the head with a big knife. I asked her, 'How is it that you have all these things ready?'—meaning the knives, the saw and the oilcloth. She said, 'I brought them in a bundle and told Guldensuppe they were rags which I intended to use to wash the windows.'

"Mrs. Nack cut Guldensuppe's throat and then sawed the bone at the back of the neck, so that the head came off. She was very careful in cutting the lower part of the body not to cut the abdomen. She sawed through the backbone and then sawed off the legs. She got out the oilcloth and the cheesecloth and began to wrap up the separated parts of the body in bundles. When this was finished she told me that she must have some fresh air and that she would go out for a while. While she was gone I put the head in plaster of paris. She returned about 5 o'clock.

DISPOSING OF THE BODY.

She wrapped up the clothes and carried the bundle, and the one which contained the saw and the knife. I had the head. In the cars I asked Mrs. Nack if she had got rid of the saw and the knife. She said 'No.' I said she ought to have got rid of the saw and the knife. She said, 'Well, I can't now, because we are in the cars.' We went across the Thirty-fourth-st. ferry. I dropped the head into the water. She took the bundle containing the clothes home."

"What did she do with them?" asked Mr. Howe.

"She said she dried them and then burned them in her stove," replied Thorn coolly.

"That was on Friday, June 25?"

"Yes, sir. The next day at 11 o'clock we went to the cottage. I packed up the legs and took the Thirty-fourth-st. ferry and threw the bundle overboard. I returned in an hour. She remained while I was away, cleaning up the bloodstains scattered around and the plaster of paris in the washtub. When I got back we packed up the top part of the body. We also wrapped up the last part, but we let it lie. I carried the top part and we took the cars to the Tenth-st. ferry. I dropped the bundle overboard.

"That afternoon I went to the undertaker's for the carriage. Mrs. Nack sent me and paid for the carriage. It was standing outside. I got in and rode down Eighth-ave. and met Mrs. Nack at Thirty-eighth-st. We went to the Woodside cottage. We took the bundle out of the cottage and put it in the carriage and drove away."

In answer to further questions put by Mr. Howe, Thorn described the drive through Astoria to a quiet spot at One-hundred-and-seventy-sixth-st., where the bundle was disposed of. He denied that he had told Gotha that it was he who had shot Guldensuppe.

"I told him," Thorn went on, "that Mrs. Nack shot Guldensuppe, and I told him also how she had cut up the body. I told him that I was going to surrender myself to the police and would not run away while Mrs. Nack was in trouble."

Mr. Howe closed his examination in his favorite dramatic style.

"Now, Martin Thorn," he said, slowly, "look at that jury and tell them whether you killed William Guldensuppe."

Thorn half turned in his chair until he faced the jurors squarely. Then he answered, with emphasis, "I did not."

THE CROSS-EXAMINATION.

Ex-Judge Weller undertook the cross-examination of the prisoner. He first asked Thorn to write his name, but, upon the advice of his counsel, the prisoner refused to do so. Reverting to the renting of the Woodside cottage, Mr. Weller elicited the information from Thorn that he had paid the rent and received the keys. While unable to answer satisfactorily why he had taken the cottage in the name of Braun and had informed the landlord that he owned a shoestore in Long Island City, the prisoner persisted in declaring that he had no knowledge that the cottage was hired for any other purpose than to live in. He declared also that he helped Mrs. Nack to dispose of the body because he loved her, and wished to shield her from harm.

After a recess lasting for a little over half an hour, Mr. Weller resumed his cross-examination. Thorn admitted that he had lied when he told Captain O'Brien that the surrey had been hired to take the carpets to the Woodside cottage. He denied that he had demanded money with threats from Mrs. Nack from time to time. Asked why he did not surrender himself to the police after Mrs. Nack's arrest, he said he was unable to make up his mind as to the best course to take. Relating his movements after the murder, he said he spent the daytime in Jersey City and Brooklyn, and came back to New-York at night to sleep. He had his mustache shaved off in Jersey City. He did this to avoid identification. He admitted pawning Guldensuppe's watch and chain, but said he had lost the tickets.

COOL UNDER FIRE.

Thorn coolly parried the questions asked him as they were fired at him in rapid succession in this manner:

Q.—Did you admit to Captain O'Brien that you sent a boy to Mrs. Nack to get a valise, and when he brought it to you you took clothes out and threw the valise away? A.—Yes.

Q.—What did you do that for? A.—Because it was old and wornout. I put the clothes in another satchel.

Q.—Did the satchel not contain the clothes of Guldensuppe? A.—It did not.

Q.—Do you know a man named Constantine Keehn? A.—I knew him about five weeks.

Q.—How many times did you take out that? (showing Thorn a pistol). A.—If I did at all, it was only once.

Q.—Is it your pistol? (producting another exhibit). A.—I believe it is.

Q.—Then both pistols exhibited in this case belong to you? A.—Yes.

Q.—Then you were in the habit of carrying a pistol all the time? A.—Yes; one of those were taken from me by Guldensuppe.

Q.—Now, Thorn, did you ever buy a stiletto, dagger or knife from anybody? A.—No, sir.

Q.—Then Keehn lied, did he, and you only tell the truth? A.—Yes, sir.

Q.—How did you come to see his dagger? A.—He was always showing it to me.

Q.—Did you show Gotha a dagger? A.—No, sir.

Q.—Then they both lied? A.—Yes.

Q.—You did purchase a dirk-knife, didn't you? A.—Yes.

Q.—Did you expect that there would be trouble when you and Guldensuppe met? A.—No.

Q.—Did you look around for noiseless cartridges? A.—No.

Q.—Will you swear to it? A.—I do.

THE LETTER SEIZED IN JAIL.

Q.—Was there a letter in your vest-pocket taken by the Sheriff while you were in Queens County Jail? A.—Yes.

Q.—Is that the letter? A.—No, it is not my handwriting.

Q.—Did the Sheriff take a letter from you as you were trying to get it in your mouth to chew it? A.—I did not chew the letter, but tore it.

Here the letter was read by the interpreter. In it Thorn told Mrs. Nack that he would post her as to what to testify to and that he would send her a few days before the trial, a letter telling her what to say.

Q.—Did you tell her to repeat the carpet story? A.—Yes.

Q.—Then you took the lead in trying to cover this crime up? A.—Yes.

Another letter was later identified by Thorn as being in his handwriting. It contained instructions to Mrs. Nack to repeat in court the statements he had made to Captain O'Brien.

Before closing his cross-examination Mr. Welles asked the prisoner why if he had been so anxious to save Mrs. Nack he had told Gotha that it was he who had committed the murder. "I thought I could trust him," was Thorn's reply.

MRS. NACK STURBORN.

A fifteen minutes' recess was taken at 3:15 p. m. for the purpose of ventilating the courtroom, and then Mr. Howe began his redirect examination. He handed the following telegram purporting to be signed by Guldensuppe, to Thorn.

Please go to where I have been working and tell them that I will not return, that I am going travelling, and a letter will follow.

Thorn said he had written this telegram in obedience to a request by Mrs. Nack.

Mr. Howe wished to examine Thorn upon the confession made on the stand by Mrs. Nack in the first trial, but District-Attorney Youngs hotly objected. Mr. Howe persisted in his right to this line of examination for the reason, as he explained, that it would be in direct corroboration of what Thorn had testified to.

"I insist that it would be a cruel injustice to exclude this woman's testimony," exclaimed Thorn's counsel, excitedly. "Why are these prosecuting attorneys afraid?" he exclaimed.

Justice Maddox, however, sustained the objection, and pointed out to Mr. Howe that if he wished Mrs. Nack to testify there were legal means he could employ to compel her attendance.

Mr. Howe urged that the prosecution should call the woman, but District-Attorney Olcott, jumping to his feet, intimated that the prosecution would not call her, because she refused to go on the stand. This was the first official announcement that Mrs. Nack would not take the stand again.

HOW THE SHOOTING WAS DONE.

Proceeding with his examination, Mr. Howe produced a letter which Thorn said he had received from Mrs. Nack, suggesting that they should both commit suicide.

"Did Mrs. Nack tell you how she shot Guldensuppe?" the lawyer finally asked Thorn.

The prisoner, leaning forward in his chair, answered the question in low tones. "She told me that she went upstairs behind him. She said she had her pistol in her hand under a handkerchief, and that she stepped up behind him as he was looking in a closet and shot him in the right side of the head," he said.

Thorn left the stand at 4:35 o'clock, and then the defence rested.

TESTIMONY IN REBUTTAL.

Mamie Baire, thirteen years old, was the first witness called in rebuttal. The State satisfied itself in contradicting Thorn on a single point. He had sworn that Mrs. Nack was with him in the cottage on the day of the murder all day with the exception of a single hour. The little girl, who lives in the same house as did Mrs. Nack, testified that she saw the latter in her rooms on the afternoon of the day of the murder, trimming a bonnet. Henry Stewart and his wife, who did live in the same building, corroborated the fact that Mrs. Nack was in her flat on June 25. Their evidence was not shaken by cross-examination.

This ended the taking of evidence, and then the court adjourned until 9:30 o'clock this morning.

RECORDS FOR THE WILHELM DER GROSSE.

SHE HAS NOW BEATEN EVERY RUN BY A LARGE STEAMER AFLOAT, EXCEPT THAT OF THE MINNEAPOLIS ON HER TRIAL TRIP.

The North German Lloyd Line's leviathan, the Kaiser Wilhelm der Grosse, arrived at Southampton yesterday with two more ocean records to her credit. As she already held all records which it is possible to compare with other vessels except that of hourly averages, however, she is simply breaking her own records one after another, as her machinery becomes limbered up.

The two new records which the Wilhelm der Grosse has just made were that to Southampton and that for hourly averages. The best previous record between this port and Southampton, made by another vessel, was 6 days 10 hours and 14 minutes, made by the American Liner St. Louis on September 8, of this year. The Kaiser has just completed the same voyage in 5 days 17 hours and 8 minutes, that is, in 17 hours and 6 minutes better time than the St. Louis. The Kaiser covered the 3,065 knots of the trip at an average hourly speed of 22.35 knots, which is .34 knots better than the previous hourly average record made by the Cunarder Lucania in May, 1895, in the voyage from this port to Liverpool.

"As the Kaiser now holds all ocean records, there remain none for her to break but her own, and there is not the slightest doubt in any quarter that she will still further reduce the time of the trip between New-York and Southampton. She left this port on the trip just completed on Tuesday of last week, passing out by the Sandy Hook Lightship at about 4:23 o'clock in the afternoon. Her run up to 12 o'clock noon of the next day, in northwesterly gales and rough seas, was 401 knots. The following days' runs were 520 knots, in fair weather and with moderate seas; 513 knots, with northwesterly winds; 528 knots, in moderate weather; 523 knots, with westerly winds and rough seas; 507 knots, with northwesterly gales and high seas, and 71 knots. Her hourly average for the day in which she made 528 knots was 22.78 knots.

"The fastest hour's run ever made by a large vessel was 23.7 knots, made by the United States cruiser Minneapolis on her trial trip in 1896. This record, however, was made in only a forty-mile run, in excellent weather, with a picked crew and hand-picked coal over a perfectly smooth course. When it is considered that this run of the Kaiser's, in ordinary weather and under ordinary conditions in midocean, made an hourly average throughout an entire day's run, which only fell below that of the cruiser's by the small margin of .91 knots, the full extent of the feat can be realized."

Holiday Presents

Artistic Articles in Porcelain and Bronze, Sevres Figures and Vases, Luca della Robbia, and other 15th Century Art

A. Olivotti & Co.

IMPORTERS

305 Fifth Avenue

SCHAEFER DEFEATS DALY.

SLOW PLAY MARKS THE OPENING GAME IN THE BILLIARD TOURNAMENT.

DALY PROVES NO MATCH FOR SCHAEFER, AND IS BEATEN OVER TWO HUNDRED POINTS—THE BEST RUN OF THE NIGHT SEVENTY-NINE—DALY'S BEST RUN THIRTY-EIGHT—DALY SEES A MISS AND CLAIMS IT.

Two veteran billiard experts, Jacob Schaefer and Maurice Daly, played the opening game of the championship billiard tournament at the Concert Hall in Madison Square Garden last night. Schaefer easily outplayed his more experienced opponent, and captured the game by the score of 500 to 279. Neither man showed to his best advantage, and Daly, particularly, seemed nervous and preoccupied. He has evidently been so busy making money in the last ten years that he has given little time to the thorough practice of the game as it is played to-day.

The contest was the first of a series of games which will be played each night and during Tuesday, Wednesday, Thursday and Friday afternoons. The other players are Frank C. Ives, George F. Slosson and George Sutton. The contest is at 500 points, each playing at eighteen-inch balk line, one shot in balk and one shot in anchor space. Besides the world's championship, the winner will receive $1,250, 50 per cent of the entrance money, fees and net receipts.

The attendance last night was meagre, rather in keeping with the game itself. Schaefer ran out the game in fifty-three innings, making an average of 9-23-53, and beating Daly 221 points. Daly's average was only 5-19-52. Each player was courteous and affable, except in one instance. Schaefer missed a shot by a narrow margin, but as Daly did not apparently see the miss, Schaefer was preparing to go on. Daly jumped up, and, appealing to the referee, Edward McLaughlin, asked if Schaefer had counted. The referee said no, and Schaefer took his seat, not at all put out.

The game was slow from the start. Schaefer won the toss and chalked up three points, and missed. Runs of fourteen and fifteen were the best work done in the first ten innings, Schaefer drawing blanks in the eighth, ninth and tenth, while Daly missed in the eighth and ninth. In ten innings Schaefer had made a total of 49 buttons, leading Daly by 29 points.

Neither player seemed to be able to gain the mastery of the ivories until the nineteenth inning, when Schaefer, by clever nursing, got the balls to rolling nicely. When he slipped up on a difficult draw, he had added 79 buttons to his string, making his total 173, to 43 for his veteran opponent.

The play was commonplace up to the thirty-third inning, when Schaefer managed to bunch a string of 51 on delicate carroms and draws. Daly was apparently nervous and sadly out of form, while the "Wizard" was not playing in the remarkable style expected.

In the forty-second inning Schaeffer added 15 to his total, making him 395, while Daly, with a run of 20, brought his total up to 165, or exactly 200 points behind Schaeffer. In the forty-second, forty-third and forty-fourth innings, Daly showed a marked improvement in his work, scoring 20, then 22, and, following this, 38. Much of his play was "around the table" work, and, while pretty and spectacular, it was not as effective or rapid as the delicate nurse play done by Schaeffer.

Schaeffer was at his best in the forty-eighth inning. All his old-time delicacy of touch was then shown, and he ticked off 40 points like the true expert that he is. He kept the balls well in hand near the lower rail, driving them to the cushion or upper rail, and back with wonderful precision. He missed on a difficult follow, when he seemed to have a good chance to run out the game. Daly was hopelessly beaten, and he was dragging along 240 points behind. Schaeffer ran out the game in the fifty-third inning with five, drawing blanks in the fifty-first and fifty-second innings.

The score was as follows:

Schaefer—3, 14, 2, 4, 15, 1, 10, 0, 0, 0, 16, 5, 16, 4, 0, 3, 0, 1, 79, 0, 9, 1, 2, 0, 3, 14, 0, 1, 2, 2, 11, 10, 51, 16, 0, 5, 17, 8, 13, 5, 3, 15, 0, 4, 20, 32, 10, 40, 2, 22, 0, 0, 5—500. Average, 9-23-53; best runs, 79, 51, 40, 32.

Daly—5, 1, 0, 5, 3, 2, 2, 0, 0, 2, 2, 7, 8, 1, 1, 2, 2, 0, 0, 3, 12, 4, 18, 0, 1, 0, 0, 1, 1, 0, 4, 22, 0, 12, 6, 5, 2, 0, 11, 0, 20, 22, 38, 0, 0, 6, 0, 24, 11, 2, 11—279. Average, 5-19-52; best runs, 22, 22, 38.

Slosson and Sutton will cross cues this afternoon, and Ives and Daly to-night.

WILLIAM CAULDWELL PAROLED.

William Cauldwell, the former owner of the Empire Hotel and "The New-York Mercury," narrowly escaped being consigned to Ludlow Street Jail yesterday, in default of bail in the suit brought against him on account of alleged defalcations in the Jason Rogers estate, of which he was an executor. Cauldwell, when he was arrested on November 10, was released on furnishing $10,000 bail. The two men who went on his bond at the time were called upon to appear at the Sheriff's office yesterday and justify their bonds. Cauldwell was present with his lawyer, and waited almost an hour for the bondsmen, but only one appeared. The other sent word that he was ill. Justice Lawrence, however, consented to a suggestion of Cauldwell's lawyer that, instead of committing Cauldwell to jail, he should be paroled in counsel's custody until December 1. When he heard this decision Mr. Cauldwell heaved a sigh of relief.

PINGREE'S INTEREST IN ASPHALT.

Detroit, Nov. 29.—Governor Pingree's object in getting possession of a Venezuelan asphalt lake is now asserted to be for the purpose of breaking the asphalt combine, so that municipal ownership of asphalt-paving plants may be assured, and to permit the laying of asphalt pavements by local contractors, instead of allowing the combine to monopolize that business. The Governor does not yet admit his connection with the asphalt business, but in an interview to-day he declared that "asphalt is the coming pavement. Within seven years nothing else will be laid in the United States."

A CONSPIRACY TO ROB THE CHEROKEES?

Tahlequah, I. T., Nov. 29.—The resolution which caused a stir in the lower house of the Cherokee Council on Friday, and passed that body almost unanimously, to investigate the $400,000 freedmen's payment deal, has been passed by the Senate. The investigation will begin at Rices. The men who instigated it say they have the evidence at hand to show who were the persons in the deal, and to prove the whole thing to have been a conspiracy to rob the Cherokee Nation. The colored people have also come to the front, asking that the Cherokee Council investigate how they were defrauded out of a large part of the $400,000 appropriated for their benefit.

KINGS AND RICHMOND RETURNS LATE.

Albany, Nov. 29.—The State Board of Canvassers will be ready to canvass the votes of the last election in each county as soon as the Secretary of State receives returns from the canvassers of Kings and Richmond counties. The other fifty-eight counties of the State have made their returns.

HE LOST HIS MIND AND HIS GIRL.

From The Detroit Free Press.

Daffer has a bright mind, but it is usually absent. It is the exception when he knows the day, hour or date. He has to ask his landlady how many cups of coffee he has had at breakfast, and she keeps him posted on the methodical schedule he has arranged for the regulation of his conduct.

The other day he was seized with a fit of worldliness and took a young woman to the matinee. On the way she managed to inveigle him into snatches of intelligent conversation, but when the car stopped at their destination his wits were wrestling with the problem of civilizing darker Africa. He walked off mechanically. There was a busy rush to and fro of carriages, wagons and bicycles. This brought Daffer to a pas g sense of responsibility. He seized the pretty young woman at his elbow by the arm, restrained her gently till there was a favorable opening, and then led her rapidly forward, halting, dodging and then advancing again.

"Now, dear," he said in his paternal way, "just a moment while that scorcher passes. We'll go to the rear of this carriage. That's it. How happy I would be if I could only pilot you in the same way through all the cares and disappointments of life."

"Sir!"

Daffer turned quickly, and his face looked like that of a man in mortal illness. The regal creature with flashing eyes was not his girl at all. With hat in hand he was vainly striving to explain, when another regal creature and pair of flashing eyes sprang through the procession of vehicles. She demanded that she be put on a car at once. She was going home. The other girl understood and laughed. Poor Daffer wandered about aimlessly until his friends hunted him up.

AMPLY CONFIRMED.

EUROPEAN IDEAS VERIFIED IN AMERICA.

THE MOST IMPORTANT SUBJECT OF THE PRESENT DAY SETTLED BEYOND QUESTION.

The cable dispatches which recently appeared in the daily papers indicating the great interest felt throughout Europe upon a subject of international interest have naturally awakened great attention, not to say excitement, in this city and throughout the land. It is a well-known fact that the demands of modern life have caused a strain which seems to shorten life and undermine health universally. The efforts made abroad to investigate its cause are most commendable, and we are pleased to say have been supplemented by similar efforts in America. Careful inquiry has been made among prominent physicians, and it is surprising what uniformity of opinion is expressed by them all. That opinion seems to be that the great modern disease is kidney trouble, and that the kidneys are the first organs of the body to be attacked by over-exertion or over-indulgence, and the first to become weakened by the grip. That this is a most lamentable fact there can be no doubt, but that these troubles can be prevented and cured the investigations made abroad clearly show. In the interest of humanity we have made similar investigations, and the result is given herewith.

Dr. N. S. Davis said: "People do not know what Bright's disease is. The term is applied popularly to every trouble that even remotely affects the kidneys. There are two forms of the trouble—one an enlargement and the other a shrinking of the kidneys."

Dr. Frank T. Andrews says: "The term Bright's disease covers a great many complaints. In fact, any case of albumineria is called Bright's disease. The majority of these cases are curable. The reason a man dies of kidney trouble is the inability of the organ to perform its functions."

Dr. S. Clarke declares