

G. J. GOULD ON STAND

HE TESTIFIES TO HOWARD'S YEARLY INCOME.

Court Throws Out Non-Support and Cruelty Charges in Wife's Suit.

Justice Dowling, who is hearing the separation suit of Katherine Clemmons Gould against Howard Gould, decided just before adjournment yesterday that the plaintiff hereafter must limit her case to the charge of abandonment, as counsel for Mrs. Gould had failed to prove the cruelty allegation against Mr. Gould or that he had failed to provide for his wife since their separation.

The decision of the court came when the plaintiff unexpectedly early in the trial rested her case after Mrs. Gould herself had given more testimony, and had been followed on the witness stand by George J. Gould, ex-Police Inspector William McLaughlin and Howard Gould, each testifying briefly. A deposition by Edith Sells, a cousin of the plaintiff, also was taken in the case.

It was later that it was learned that Mrs. Gould is between forty and forty-two years old. Her counsel by objection kept her age out of the case last week. DeLancey Nicoll argued for the dismissal of the entire suit, saying the fact that Mr. Gould paid his wife's bills at the Hotel St. Regis and many other accounts was disproof of the non-support charge.

Mr. Nicoll asked Peabody and "Big Bill" Hawley in the office of DeLancey Nicoll. "Did you meet Mr. Nicoll before that?" was asked. "Yes, he met me on the street and told me that he had heard that 'Big Bill' Hawley was married to Mrs. Howard Gould. I told him that I had heard the same thing. He asked me if I had heard that 'Big Bill' Hawley was married to Mrs. Gould, and I said that I had not. He then asked me if I had heard that 'Big Bill' Hawley was married to Mrs. Gould, and I said that I had not."

Justice Dowling's decision that the case will have to be continued, on the one ground of abandonment, means the elimination of much testimony, and it devolves upon Gould to advance grounds for his alleged abandonment of his wife and to justify the conditions that he tried to impose before he would again live with her.

GOULD ESTATE WAS \$30,000,000. The testimony of George J. Gould, one of the trustees of the estate of his father, Jay Gould, had to do with its value in 1906, when Howard Gould and his wife separated. He guessed it was about \$30,000,000. His brother, the defendant, the railroad man said, had one-sixth of the income for life, the principal being held in trust.

"Is \$30,000,000 the value of the estate to-day?" Mr. Shearn asked. "Well," replied the witness, "the market fluctuations affect it more or less." Mr. Gould then gave his brother's income since 1902 as follows: "In 1902, \$72,000; 1903, \$72,000; 1904, \$76,000; 1905, \$72,000; 1906, \$77,000; 1907, \$74,000."

George J. Gould, it is understood, was strongly opposed to his brother's marriage. Mr. Shearn fell to get into the records some newspaper clippings bearing on this. Justice Dowling allowed only the fact of publicity. Then counsel asked Mr. Gould whether he engaged a certain detective agency to make an investigation. This question was excluded. A moment later, however, the witness said that this happened about the time of Howard Gould's marriage. He had only an indistinct recollection of it.

Then Howard Gould was called as a witness against himself. But he didn't seem to mind at all. This odd reaction and appeared more comfortable than the plaintiff, who sat a short distance from him, fanning herself. There was no exchange of glances between the litigants, although practically facing each other.

An objection from Mr. Nicoll saved Mr. Gould the trouble of answering how much of his income he spent in 1908. "Out of your income you have accumulated an independent private fortune," suggested Mr. Shearn. "Yes," answered the witness. "What was the value of your independent fortune in July, 1907?"

"Between \$8,000,000 and \$10,000,000," Gould replied in an uncertain and deprecatory manner. "What is the value of your Fifth avenue house?" "About \$700,000."

"And your Port Washington estate?" "Seven hundred thousand dollars."

Mrs. Gould was again the witness at the resumption of the case. Mr. Nicoll was ready once more with numerous questions which again went into the elaborate wardrobe acquired by the plaintiff, bringing out that she had spent between \$25,000 and \$10,000 a year for clothes. He had some further questions about Dustin Farnum and still others about the Blue Gap Farm in Virginia, for which Mrs. Gould paid \$35,000.

EXPENSIVE DINNER GOWNS. Mrs. Gould told of paying from \$50 to \$300 apiece for dinner gowns, and \$250 to \$500 for shopping for hats and \$40 to \$50 apiece for hats. She told of the many changes that she had to make to maintain her wealth and position, and of the maid necessary in assisting in these transformations. Once or twice Justice Dowling had to interrupt with an admonition to the witness to answer the questions.

Mr. Nicoll referred to the terms of agreement offered by Howard Gould for a reconciliation. Mrs. Gould remembered the stipulations about abstaining from liquor, ceasing to annoy his friends, and forbidding her family to interfere between the couple. But she was hazy about another condition—that a mutual understanding about the outstanding debts be reached between Howard Gould and his wife.

"What reply did you make to these terms?" asked counsel. "I don't recollect what reply I made," she replied, her voice quavering and distress showing in her eyes. "Didn't Mr. Gould tell you through Mr. Sells that if you agreed to these conditions he would give you \$100,000 a year for clothes?" continued Mr. Nicoll.

"And have me sign myself a drunkard?" Mrs. Gould ejaculated in a loud voice. Mr. Nicoll then produced a letter written in January, 1907, by her husband by Mrs. Gould referring to a hotel bill contracted in London. The note began "Dear Howard" and was signed "Yours affectionately, Katherine." Despite the fact that this letter was written six months after the break with her husband, the plaintiff acknowledged it to be her handwriting.

"Mr. Choate advised me to write the letter," she explained. "Did not Mr. Choate tell you that you had done wrong in purchasing Blue Gap Farm without the knowledge of your husband?" "No."

Another letter to "Dear Howard" with the same "Affectionately yours, Katherine" signature was dated September, 1906. "I have overdrawn my accounts," she wrote. "Will you kindly send me a check to cover the amount?"

Some photographs of Dustin Farnum were introduced. She identified them, and they were offered in evidence. "They are the pictures of the same Dustin Farnum that you have mentioned in your testimony?" she was asked. "Yes, that is the Farnum you have mentioned," she corrected, defiantly.

"Strike that out," Justice Dowling ruled. "In your solemn oath you state that you did not see Farnum from August, 1906; then that is not correct."

"It ought to be," she replied, dodging the query. "It hardly seems so."

"After the trip to Castle Gould, when did you see Farnum again?" "That same week, I think."

"Where?" "New York and Brooklyn, I believe," she answered. "I saw him while I was with a theatre party. I believe he was with me on Saturday."

That ended the cross-examination, and Mr. Shearn then took up the redirect examination. He brought out by her testimony that Howard Gould knew of the purchase of Blue Gap farm and that she had left her furs and jewelry in care of Paris firms at the request of her husband, who was fully aware of her extensive purchases.

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