

# GIBSON'S DEFENCE SHAKEN BY ATTACK

## Wife Weeps After State's Witnesses Assail Testimony That Lawyer Hoped Would Help to Make Him Free.

# BURIAL THEORY TOTTERS

## Two Experts Try to Show Mrs. Szabo Was Not Strangled, but Their Evidence Is Weakened by Prosecutor—Case May End on Monday.

[From a Staff Correspondent of the Tribune.]

Goshen, N. Y., Nov. 22.—A slice of beef immersed in a solution of formaline was produced in court today by the attorneys for Burton W. Gibson to prove that the embalming fluid, containing formaline, with which Mrs. Szabo's body was prepared for burial, might have brought about the contorted conditions found in her throat at the autopsy, said by experts to establish conclusively that the woman had been strangled to death.

Dr. Arthur S. Moore, a young expert, through whom the beef was introduced, testified for the defence that the formaline had caused it to shrink five-sixteenths of an inch.

"I wish to offer this piece of beef in evidence," said Robert H. Elder, counsel for Gibson.

"Well," said Judge Tompkins, "you might give it to the jury for lunch."

Under direct examination by Mr. Elder Dr. Moore would not say that animal tissues generally contracted when formaline was injected into them, but that such was frequently the effect. In a long hypothetical question he was then asked if the condition found in the organs of Mrs. Szabo's throat could be duplicated in a dead body by mechanical means.

Made "Window" in Neck of Corpse.

He replied that it could, saying that only yesterday he made what was described as a "window" in the back of the neck of a dead person by removing the vertebra and muscles, enabling him to observe the throat organs. On moving the body in various directions, he said, the tongue and epiglottis "flopped" in positions similar to that described in the autopsy of Mrs. Szabo's throat. The handling of the woman's body, he said, might have thrown her organs into that position, and the embalming would have fixed them there.

Isidor Wasservogel, on cross-examination, asked the witness:

"Do you know how many muscles there are in the throat? Do you know the names of the muscles attached to any organs in the throat?"

"No, I do not," Dr. Moore replied, after a moment of hesitation.

"Do you mean to say that you, a doctor of medicine, do not know the names of any muscles in the human throat?" Mr. Wasservogel exclaimed, in astonishment.

"I do not," the doctor replied.

At this point Mr. Elder took the witness and sought to show that the doctor knew something about human muscles by asking him, encouragingly, if he knew how many muscles there are in the human body.

"No, I do not," replied the expert.

"That is all," cried Mr. Wasservogel, throwing up his arms, amid a general laugh, and the witness stepped down.

Upholds Burial Theory.

The other expert for the defence was Dr. Henry W. Cattell, of Philadelphia. Under Mr. Elder's guidance he testified that the condition found in Mrs. Szabo's throat might have been caused by handling and embalming, asserting also that the same condition could not be produced in a living person's throat without leaving external marks.

Under cross-examination Mr. Wasservogel drew from him admissions that weakened the defence's medical evidence even more than did Dr. Moore's. He admitted, among other things, that he knew nothing about the Szabo case except from what he had heard and read. At this point Judge Tompkins himself took a hand in the examination.

"Who can ordinarily tell best," the judge said, "the one who makes an autopsy or the one who reads about it?"

"The one who makes the autopsy," replied the doctor.

Mr. Wasservogel then asked him if he really believed, as he had testified under direct examination, that the tongue could "pop" after death into the position in which it was found in Mrs. Szabo's throat. The doctor qualified his former statement by saying it could not in that way fulfill all the conditions. Mr. Wasservogel also drew from him the statements that he was ignorant of some of the most eminent medical authorities on strangulation and that he did not believe a person could be killed by strangling without leaving external marks.

"Have you read many authorities on strangulation?" Mr. Wasservogel asked.

"Yes, I have read a great many," the doctor replied.

"Have you read Hoffmann?"

"Yes," the doctor replied.

# DEFENCE INDICATED BY HYDE COUNSEL

## Contend Robin Owed Carnegie Trust \$230,000 When He Said He Was Forced to Lend \$130,000.

# SLOW PROGRESS AT TRIAL

## Justice Goff Declares Proceedings Must End Before Thanksgiving, if It Takes Night Sessions to Do It.

Max D. Steuer, counsel for Charles H. Hyde, former City Chamberlain, continued yesterday morning his cross-examination of Joseph G. Robin. And in the course of his questions he indicated what will prove to be one of the main contentions of the defence—that Robin individually owed the Carnegie Trust Company on call \$230,000 at the time, it is charged, Hyde coerced him into lending the trust company \$130,000, and that it was in part payment of this debt, or rather, in return for this accommodation, that he had the Northern Bank advance the trust company the money specified in the indictment.

"Is it not a fact," asked Steuer, "that by demanding payment of \$130,000 on account of your demand loans of \$230,000 in the Carnegie Trust Company that Cummins and Reichmann could have got the money needed without taking you down to Hyde's office and having you threatened into making the loan?"

The objection of Assistant District Attorney Frank Moss to this question was sustained by Justice Goff, so Steuer tried this:

"Was any suggestion made to you on August 22, 1910, by either Cummins or Reichmann that by paying off \$130,000 of the money you then owed the Carnegie Trust Company in demand loans that you might relieve the situation?"

"No," replied Robin.

"Did you say anything about repaying the loans?"

Offered to Pay if Paid.

"I believe I offered to pay off my entire indebtedness if Reichmann and Cummins would pay off their entire indebtedness to the Northern Bank."

It was brought out that William J. Cummins, chief stockholder of the Carnegie Trust Company, and Joseph B. Reichmann, its president at the time, had signed \$150,000 to \$150,000 worth of paper held by the Northern Bank. It is the prosecution's contention that these men took Robin, who controlled the Northern Bank, down to Hyde's Wall street office on the evening of August 22, 1910, and that there Hyde coerced Robin into lending the tottering Carnegie Trust \$130,000 by threatening to withdraw all the city deposits from the Northern Bank and by promising to increase the same if the deal went through.

In further elaboration of this line of interrogation Mr. Steuer turned then to Robin's direct testimony Wednesday in September he had gone to see Hyde at the City Chamberlain's office, No. 280 Broadway, and had there complained to him that the city deposits in the Northern Bank had not been increased in accordance with the alleged \$130,000 loan agreement.

Lawyer Tries to Trip Robin.

"When you went to Mr. Hyde in September, I believe you said you had a letter of introduction to him, didn't you?" asked the lawyer, in his smoothest tones.

"No," answered Robin. "I had a card."

"A card of introduction?"

"Not of introduction, it was—"

"Ah, you made a slip there."

"Let me finish my answer," pursued Robin, with his first show of irritation.

"The words card and introduction went together naturally in my mind. It was a card commending me to his favor, not a card of introduction."

"So, when you went to see Mr. Hyde, after having done him this great favor in the matter of a loan to the Carnegie Trust Company, you first supplied yourself with a card commending you to his favor?"

"Yes."

Steuer then had Robin tell the jury that the note which the Northern Bank received from the Carnegie Trust Company in return for the loan of \$130,000 made on August 21, 1910, was surrendered on August 21; that the Northern Bank entered into an agreement with the Carnegie Trust Company on the latter date by which the loan was made to appear on the books as the purchase of certain notes made to the Carnegie Trust Company by President Marcus of the Public Bank. It was this conversation which led to the conviction of Reichmann on a charge of deceiving the State Superintendent of Banking with regard to the condition of his bank.

Then the lawyer sprang this question:

"When you were in Hyde's office on August 22 did you intend to bribe him?"

But Justice Goff sustained the objection to an answer. Steuer took another tack.

"Have you been sentenced, Mr. Robin," he asked, "on your plea of guilty of grand larceny?"

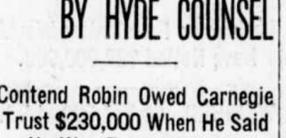
"No."

"Was not your sister, Dr. Louise Robinovitch, under indictment when you made your plea?"

Moss's Objection Sustained.

Hyde's counsel referred to the indictment for perjury returned against the witness's sister on the strength of her affidavit to the Supreme Court that their parents were in Russia and she was the next of kin and only heir of her brother. The indictment was returned after brother and sister had repudiated Mr. and Mrs. Herman Robinovitch, of Williamsburg, who had claimed them as their children. Moss's

# HYDE'S ACCUSER AND MAN WHO CLAIMS HIM AS SON.



HERMAN ROBINOVITCH.

# EVER "MOVE ON" FOR INFORMERS

objection to this question, however, was sustained.

"Was it," persisted Steuer, "a condition of your plea that the indictment against your sister be dismissed?"

The objection to this was sustained also, as was the objection to the following question:

"On January 31, 1911, were you sane?"

"Did you make an arrangement or suggest to your sister, or did she suggest to you," asked the lawyer, "that she should make a petition to the Supreme Court to have you adjudged insane?"

"No."

In his next question concerning the witness's knowledge of the submission of such a petition by his sister to the Supreme Court, Steuer did not fail to bring out that it was to Justice Goff himself that the petition was made, although Justice Goff would not permit an answer to the question. Then Steuer asked:

"In January, 1911, when you were still under indictment and before you had interpolated any plea, did you believe that there was a general scheme in which Judge Whitman, the District Attorney, had a part, to ruin you and all your institutions because of the fight you had made against Morgan and the Standard Oil interests?"

Objection sustained.

Justice Goff excluded further questions touching on the witness's sanity or parentage, and refused to permit counsel for the defence to call the aged Robinovitch couple for purposes of identification. Moss, on the redirect, however, was allowed to bring out that it was the laws of Russia which Robin feared if he revealed his real name.

City's "Balances" Exceeded Bond.

There was one other point of importance brought out by Steuer, and that was in regard to the daily "balances" of city money reposing in the Northern Bank's vaults. Robin had testified he had asked Hyde how the latter could carry out his alleged promise concerning increased city deposits when the Northern Bank's bond was for \$150,000 only. Steuer asked the witness if he didn't know that during the entire spring and summer previous to this remark the daily city deposits in the Northern Bank continually had run over this amount. Robin said he did not.

In the afternoon, however, Assistant District Attorney John Kirkland Clark read into the record the figures in the bank's ledger on this very point. They were shown to average above the amount of the bond, though not much above it until after Robin's second visit to Hyde, in September, when he complained that the deposits had not been increased. In October they averaged around \$300,000, going even higher in November.

Other witnesses yesterday were William L. Broer, former vice-president of the Northern Bank; "Fred" E. Goldmann, assistant manager of the Tremont branch of the Northern Bank, and Henry J. Walsh, Deputy City Chamberlain. Their principal job was that of identifying exhibits. Justice Goff told counsel that the trial must end before Thanksgiving, if it took night sessions to do it. It will be continued to-day.

# BECKER NEIGHBOR IN COURT

## Man from Death House Found ex-Lieutenant Friendly.

Joseph J. McKenna, convicted of the murder of Sigrig Eckstrom, a six-year-old girl, last June, in the Bronx, was brought to the Supreme Court yesterday from Sing Sing on a writ of habeas corpus obtained by his attorney to test the legality of his conviction. It was the contention of his counsel that the Court of General Sessions had no jurisdiction because the Legislature had created the County of The Bronx, and that McKenna's crime, having been committed there, he should have been tried in the new county.

McKenna seemed to enjoy the brief respite from his life in the death house at Sing Sing. He said he occupied a cell adjoining that of Lieutenant Charles Becker, convicted of the murder of Herman Rosenthal, and struck up quite a friendship with his new neighbor.

Justice Seabury reserved decision, and in the mean time McKenna will remain in the Tombs.

# CHANGE IN LIBEL SUIT

## Editor's Attack on Colonel Only Violation of Ordinance at Most.

Marquette, Mich., Nov. 22.—The trial of George A. Newitt, editor and publisher, of Ishpeming, charged with criminal libel on complaint of Colonel Theodore Roosevelt, will take place in a justice court in this city instead of in the circuit court. The date fixed is November 28.

This new turn in the proceedings is a result of an error in considering criminal libel a misdemeanor under the common law, whereas it is merely the violation of an ordinance, the maximum penalty for which is a fine of \$500, or imprisonment for ninety days. A case of the kind can be tried only in justice court, from which, however, an appeal to circuit court can be taken. The action in holding the defendant for trial in the higher tribunal was quashed to-day.

This case is distinct from the civil proceedings filed against Mr. Newitt in behalf of Colonel Roosevelt, and in which damages in the sum of \$500 are asked. The trial of this suit will be in circuit court.

# IN FEAR OF SOCIALISM

## Head of C. & O. Says All Industry Must Stand by Railroads.

# DANGER OF MONOPOLY

## Public Attention Centred on Great Power Exercised by Concentration of Capital.

## Waldorf Speaker Says.

Frank Trumbull, chairman of the board of directors of the Chesapeake & Ohio Railway Company, closed the keynote of industrial progress and "sunlight" in "big business" last night at the first annual dinner of the Investment Bankers' Association of America. His message was especially suited to the band of men before him who had started their organization only three months ago. It teemed with progressivism and gave assurance that the near future would see firmly established the principles that the association was fighting for. He thrust up the spectre of socialism.

"Let us look forward, not backward," said Mr. Trumbull, "and let us use a telescope at least part of the time and not a microscope all of the time. Publicity is the order of the day and we have found over and over again that fresh air and light cure many of the ills that afflict us." He continued:

"I hope you will think me sincere in saying that it is fortunate that just at this period your association was formed. People are thinking of socialism, and when we say people we must not forget that most of them are west of the Hudson River and that one-half of them are west of Indiana. As George Fitch said about the West: 'They wear last year's fashions, read this year's books and originate next year's policies. Regulate the things that are not regulated, and when we say people we must not forget that most of them are west of the Hudson River and that one-half of them are west of Indiana. As George Fitch said about the West: 'They wear last year's fashions, read this year's books and originate next year's policies. Regulate the things that are not regulated, and when we say people we must not forget that most of them are west of the Hudson River and that one-half of them are west of Indiana. 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