CAROLINE HARBECK'S PAST.

SOME QUESTIONS SHE REFUSED TO ANSWER ON THE WITNESS STAND.

A Pitiless Inquisition she Faced with Composure—The Defendant's Father and John's Folks—Negotiations for his Son's Release.

Caroline Harbeck, who claims to be the wife of John H. Harbeck and is suing him for divorce, again faced a crowded room in Judge Larremore's court yesterday, removing her heavy black veil, and awaiting with apparent composure further cross-examination by Mr. Fullerton. The very first question put to her related to her occupancy of a certain house. Her counsel objected, on the ground that the answer would tend to degrade her. Judge Larremore informed Mrs. Harbeck that she was at liberty to decline, on that ground, to answer any questions that would tend to degrade her. Then Mr. Fullerton resumed in his gentle voice:

Q—Were you ever in 34 West Houston street, Mrs. Benedict? A.—Well, that was years ago.

Q—Were you ever there? A.—I do not know. These things are too far back.

Q—Did you ever go by the name of Thompson? A.—I decline to answer.

Q—On the ground that it would degrade you? A.—Yes sir; I think it does.

Q—Do you know a woman by the name of Irene McCready? A.—Yes, sir.

Q—Where did you know her? A.—I knew her by general reputation.

Q—Did you live in her house? A.—Yes, sir.

Q—When? A.—I do not know; it was so far back.

Q—Was it after you parted with Montgomery, your former husband? A.—I think it was.

Q—Was it before your acquaintance with Mr. Harbeck? A.—Certainly; I should say undoubtedly.

Q—Are you quite sure Mr. Montgomery did not visit you in these houses? A.—Quite sure.

Q—Did you ever go to Charleston? A.—I did. I do not know when; it was so far back; just before I knew Mr. Harbeck.

Q—With whom did you go? A.—I decline to answer.

Q—On the ground that the answer would tend to degrade you? A.—Yes, sir.

Q—Do you know a Mrs. Barton, who lives in Thirty-fifth street? A.—Yes, sir.

Q—Did you ever live at her house? A.—I did.

Q—How long? A.—Six weeks.

Q—Do you know Mr. Runkle? A.—Yes; he was a friend of Mr. Harbeck's, his cousin.

Q—Did you ever go by the name of Hattie Thomas? A.—I did not. I know Mrs. Thomas, she lived in Fourth street. I have been in her house with Mr. Harbeck.

Q—Did you not go to Charleston by the name of Turner? A.—I did not.

Q—Will you tell us by what name you did go? A.—I decline to answer.

Q—Did you go by the name of Thompson? A.—I decline to answer.

Q—Did you go by the name of Nichols? A.—I did for a short time—say six months.

A number of letters, which the defence claimed were blackmailing letters written to her in 1870 by her former husband, were shown to the witness. She could not recognize the handwriting as that of Mr. Montgomery, although she admitted that it resembled his. In July, 1870, at the time the complaint in her husband, Montgomery's suit against her was served, she was living at 243 West Thirty-ninth street with Mr. Harbeck, and she continued to live with him. When Mr. Harbeck said to her, "Come, Carrie, and live with me as my wife," she took time to consider. Mr. Harbeck told her that he had not much money, and she did not know he was rich. In reply to the question, "Was not the reason that you lived with him because he had money?" she said:

"No. It was to better myself—to be a good woman; that was the reason I did it."

"How long after your return from Europe did this agreement between you and Mr. Harbeck take place? A.—It was in May or June, 1871.

Q—How long after your heard of Montgomery's death? A.—It must have been six months or a year. It was in the fall months, I think.

Q—When you went to Mr. Robinson, the lawyer's, about your divorce, you think Mr. Montgomery had been dead about six months? A.—That was as well as I can remember. Mr. Robinson said that it was unnecessary to go on with the divorce, as Mr. Montgomery was dead. He positively said dead. He said he had it on good authority.

Q—And you believed it? A.—Yes, sir. I firmly believed it. When a lawyer tells you a man is dead you must believe it. I did believe it, and have never changed my opinion. I have never heard from him since.

Q—Where was he from? A.—From Jamaica, L. I. But he had not lived there for some time. He was not on good terms with his folks, and changed his name, which was formerly Cocklin.

Q—Did you make any inquiry for him outside of Robinson's office? A.—No, because Mr. Harbeck saw the whole of it. I do not recognize the letters shown me as his. I do not think it is his handwriting. I never saw the inside of these letters. Mr. Harbeck may have taken them to the lawyer. They look familiar and they do not. I received some letters from Montgomery while I was living at Thirty-ninth street. Mr. Harbeck took them. Mr. Montgomery offered to sell me to Mr. Harbeck for so much money. He wanted to meet Mr. Harbeck, and Mr. Harbeck was afraid to meet him. I went down to Robinson's office with Mr. Harbeck, and Mr. Harbeck had a package of letters which he gave to Mr. Robinson.

Redirect—Q—You have been asked about houses kept by women whose names have been mentioned, and about Mr. Nichols. Were your visits to those houses and your intimacy with Nichols all prior to your going to live with Mr. Harbeck? A.—They were.

Q—Did you inform Mr. Harbeck of your past life before your marriage with him? A.—I did. I told him everything. (The witness's eyes filled with tears.)

Q—During the time you lived with Mr. Harbeck and while he introduced you as his wife, did you know what property he possessed? did he make any statement to you? A.—He did not tell me he was a very rich man. He said he had made money by his own smartness. I knew he bought the house in Thirty-fifth street for $4,500. He gave me $5,000 of bonds registered in the name of Caroline Harbeck.

Q—Mr. Fullerton—I remember a visit of Mr. Harbeck's father to me. He wanted me to sign a release of Mr. Harbeck's. There was no provision made to send me $75 a month. I did not sign the paper. There was no offer to give me $1,000 a year. Mr. W. H. Harbeck, the defendant's father, called upon me when I was sick in Orleans street. He did not ask me whether I was married, but he said, "Do you know my son?" I did not reply. "No; but everybody knows Jack." My sister, Mrs. Reese of 156 West Twentieth street, was present, and heard the conversation.

Upon further redirect examination Mrs. Harbeck testified that she had explicitly refused when requested by Mr. W. H. Harbeck, to sign her rights away. When again questioned by Mr. Fullerton she said that Mr. John H. Harbeck sent her $78 a month until she sued him.

Edward B. Simon of 63 East Fifty-third street, doing business at 657 Broadway, testified to the intimacy of his family with that of Mr. and Mrs. Harbeck, and that Mr. Harbeck always introduced the plaintiff as his wife. The witness had named his daughter Ethel Harbeck Simon, and had known only one Mrs. Harbeck, the plaintiff. He had met Mr. Harbeck at the races in June, 1880, and Mr. Harbeck had then told him that his wife was in Philadelphia. That was after the plaintiff left Mr. Harbeck's house.

John O'Donnel of 440 West Fifty-eighth street testified that he was called to Mr. Harbeck's house as a friend of Kate Hammel, after Mr. Harbeck returned from Europe with Kate Hammel in May, 1880. This was at the house of Mr. Harbeck, 35 West Fifty-fifth street. He said, "Where is Mrs. Harbeck?" and Mr. Harbeck replied, "She has gone away." He spoke to Mr. Harbeck about the rumors that he was to marry Kate Hammel, and said it would be a great scandal. He asked, "Mr. Harbeck, How can you marry Kate Hammel?" and Mr. Harbeck replied that Mrs. Harbeck had made it all right and was to sign papers releasing him from everything. He said that his wife had agreed to sign papers before Judge Fullerton. Upon cross-examination of this witness the case for the plaintiff.

For the defence, Thomas B. Robinson, the lawyer who was engaged to defend Mrs. Harbeck in the divorce proceedings begun by Montgomery her first husband, testified that he was satisfied by various letters written by Montgomery to Mrs. Harbeck that the divorce proceedings were a blackmailing operation. He positively denied having told Mrs. Harbeck that her former husband was dead, but admitted that he had told her he had heard such a report. He had known the plaintiff only as Mrs. Harbeck.

Charles A. Cornell testified that he saw Montgomery, who is his uncle, in Michigan in 1876. Montgomery was keeping a public house. He believed he had seen Montgomery with the plaintiff at Jamaica.

Cross-examined—Q—Do you know the color of her eyes? A.—No.

Q—Do you know the form of her nose? A.—No.

Q—Do you know the color of her hair? A.—No.

Stephen Whitehorn, a lawyer, testified that he was employed by Montgomery to prosecute the libel suit against Mrs. Harbeck in 1870. W. H. Harbeck, father of the defendant, testified to an interview with the plaintiff on June 23, 1879. She said: "John has told me to clear out of the house and that I shall leave to-morrow." He asked her if she was married, and she said: "No, but people think I am." He asked to see papers to that effect, and she said she would not. He told her John was willing to give her $1,000 a year. He had advised her to do as John said she ought to do, and he understood her to agree to it. He had called John up, and the agreement was repeated, and she had reiterated her promise to sign papers and release John, and John agreed to pay her $1,000 a year. As to the silver pitcher which Mrs. Harbeck said he had given to her with an inscription, "From father," he had sent the pitcher to his son. He had another conversation with Mrs. Harbeck in June 1880 after she had left the house. She said she missed not being in Harlem. Subsequently he surrendered $5,000 bonds to her.

Cross-examined—Q—How many times have you been married? A.—Once.

Q—Live with your wife? A.—No, sir.

Q—Did Mrs. Harbeck tell you she was married? A.—She said she was married, and she said it had been hard that she could not live with her husband.

Q—Did she say she was married with this lady? A.—She said she was married to John Harbeck. I saw her in the carriage with her two children, and I said to her, "Is Mr. Harbeck your husband?" She said, "Yes." I said, "Is he your husband?" She said, "Yes." I said, "How do you live?" She said, "I have money."

Q—Did she say she was married? A.—No.

Q—Did she say she was married to John Harbeck? A.—No.

Q—Did she say she was married to John? A.—No.

Q—Did she say she was married to the plaintiff? A.—No.

Q—Did you hear of this lady as Mrs. Harbeck? A.—Yes.

Q—Did you say to her, "You are not married, are you?" A.—No. I asked her if she was married to John Harbeck. I did not say "John Harbeck."

Q—Did you say to her, "Do you not mean the lady the plaintiff?" A.—No