MRS. WACKERLE'S FIGHT.

A WOMAN WHO BEATS CORPORATIONS, PERJURERS, AND SUPREME COURTS.

A Sham Husband Provided by an Insurance Company to Avoid Paying Its Debt—A Conspiracy which Commenced in Minnesota and California, and Ended in St. Louis.

From the Post-Dispatch.

There is not a case in the annals of American jurisprudence which approaches in interest and complexity, in what really might be called romance, to the damage suits instituted by Walburga Wackerle against the Ætna and the Mutual Life Insurance Companies and the history therein contained. To the impartial observer Mrs. Wackerle does not look at all like a heroine. She is a plain-featured, washed-out, nervous-looking little woman, wiry in build, blue-eyed, partly gray, and bearing upon her shoulders the burden of fifty years of hard work. She does not look at all like one of those women of whom we read in novels, whose nature has been transformed, and who devote themselves, body and soul, to retribution thereafter. Mrs. Wackerle has been about as deeply wronged as any of these heroines, however. She has always been poor, and yet she has fought and won a battle at desperate odds against two powerful corporations. She has travelled up and down the country from Connecticut to Texas, and from Louisiana to Minnesota time and time again without money. When kindly people secured passage for her on her quest she rode, when there was no other way she walked, often walking fifty and sixty miles at a stretch. In a word, this woman, with her pale, marked face, her hard hands, and her jarring nerves, has been and is a very volcano, a steam engine of energy, in righting the wrongs which have been done her.

The history of the case as it came up in the St. Louis courts has been already told in the daily press. Mrs. Wackerle brought suit against the Mutual Life Insurance Company to recover $4,000, the amount of a policy upon her husband's life. For answer the insurance company produced the dead man in court. It was the supreme moment of the widow's life. After a hard legal fight the bogus Wackerle was stripped of his false feathers and exposed in open court as a fraud and a perjurer, and the long, weary, nine years' struggle for justice was closed with justice won. Thus, in brief, does the legal story run. Beneath all this lies the story of how the carefully-built house of lies was battered down by a poor old woman engaged single-handed and alone in a siege against thieves, perjurers, and insurance companies. She does not tell her story willingly; it has to be drawn from her question after question. In fact, she has all along been a better worker than historian. Put together, however, after many interviews in snatches here and bits there, this is the record which has been burned into Walburga Wackerle's memory in the nineteen years' struggle for justice.

She was married to William Wackerle in Shakopee, Scott county, Minn., in 1858. He was one of three brothers—Chris, William, and John—at that time a farmer and afterwards a laborer, turning his hand to whatever might come in sight. They were constantly moving back and forth over the country, now at Milwaukee, now at Detroit, again back in Minnesota, then in California, Illinois, and Missouri. They earned very little money, and a bad break was made in their earnings when Wackerle went into the employ of the Pacific Express Company. He was born at Carver, Minn., and buried in New Orleans, where another was born. Then they moved to Cincinnati, where another was born, then to Milwaukee, where two more children were born, died, and were buried. It was while in Milwaukee that the policy for $4,000, on which this suit was brought, was taken out. They went back to Cincinnati and thence to San Francisco. At Sacramento the oldest child died and was buried. All this roving over the country shows how extremely difficult it must have been for the bogus Wackerle to prove his identity and the success with which it was done testified to his memory and schooling. From Quincy, Ill., Mr. and Mrs. Wackerle came to St. Louis, he going on first to Iowa for the harvesting work, and thence down to Texas. They parted in April or May, and it was August before they heard from him. While alone she supported herself by going out for work. William Wackerle was killed on a railroad in Texas in December, 1872, but she did not hear of his death, and scraped together enough money to pay the premium for January, 1873. Her husband's brother, John Wackerle, heard of the death, and told her.

She at once began her quest in the middle of 1873 for conclusive proof of the death. She was at that time working for Mr. Huffert of the Iron Mountain Railroad. He procured her a pass down the road, and she left for Texas. The death had occurred in December. Since then yellow fever had set in and scattered the witnesses, and here her trouble began. Knowing nothing of law, she imagined that all she had to do was to get affidavits from the different people who were witnesses to the death and identity of Wm. Wackerle. These documents, although morally conclusive, were not legally sufficient. She was not herself sure of his death, then she came to Texas. The first positive information that she had received while walking along the track from Marshall, Texas, to Shreveport, Louisiana. She met the very gang of section hands among whom her husband had been working, and they told her all about his death. She secured their testimony and that of such members of the coroner's jury as she could find and set out to make her way to Hartford Conn. This she accomplished by walking and working her way. Sometimes helped along by conductors who took pity on the queer little woman with the close set mouth often traversed the road, thumbing her way as best she could. She got to Hartford, and the insurance company would do nothing for her. They understood there was much doubt about Wackerle's death, and decined to pay the policy. Taking legal advice then she went on her return to Texas, in the hope of making powerful friends in such persons as Gen. B. F. Butler and Thomas Scott. The latter, President of the Pennsylvania road and the Texas Pacific, gave her a general letter of passage on his roads and called on the other railroad officials to do the same for her. With her hands, transportation was easier to get. The press and the pulpit in New York took up her case, and a great deal of sympathy was expressed for the poor little woman, battling against such fearful odds. She went back to Shreveport and presented her case to Judge Bonham, now Unit'd States Circuit Judge in Louisiana, in her case. He found a splendid ally in the little woman whose champion he became. She had no money, she had no time to work for money, but her energy and industry made up for it. Up and down Texas she travelled, from one end to the other, hunting down the people who knew of William Wackerle's death. The Coroner and several of the jury had died of the yellow fever, the section hands had been dispersed as only such roving people can scatter, but one by one she ran them down and made them swear to Wackerle's death. She found the doctor who had made the post-mortem and the grave digger who had buried the remains. Here comes in one incident which shows the wonderful nature of this woman. Going to a number of people to have the exhumation of the body, she staked everything upon the identification. "If my husband is dead," said she in her broken English, "he lies in this grave. If he is not husband you will find that this tooth," pointing to one of her own, "is broken and gold filled broken. His hair will be of this color," showing a lock, "and he will be clothed in a suit of this color," laying a piece of cloth down beside the grave. Matlock and spade went to work and in a few minutes the box with the dead man in it was lifted to the top and laid on the sod. It was opened and the tooth was found broken where she said, the cloth of the dead man's clothes was the same dull brown the hair was the same straw-yellow color. Her proofs were so conclusive that, in a suit for $3,000 against the Ætna Insurance Company, brought before the court at Shreveport, the decision was promptly rendered in her favor.

At this point the conspiracy began. One Joseph Weinman, an attorney at law and insurance agent in Carver, Minn., notified the Mutual and the Ætna Companies that he had a good defense to the claim of Walburga Wackerle, which had been appealed to the Supreme Court of Louisiana. Correspondence followed and Weinman agreed to find William Wackerle alive. For this he got $1,000 from each company. Weinman went to California, to Los Angeles, and returned with an affidavit made out by William Wackerle to the effect that he was alive and in the enjoyment of good health. This affidavit was presented to the Louisiana Supreme Court, and, upon it, the decision of the court below was reversed, a thing unprecedented in the annals of jurisprudence, the affidavit being ex parte, and no opportunity being given Mrs. Wackerle to traverse it. In the court below a day was set for the hearing of the case and Mrs. Wackerle, indomitable, went to work to prove that the false Wackerle was not her husband. To do this she had to make her way to Minnesota without money, and before she could get back the case was called and decided against her virtually by default, before the time set for her return, and upon the evidence offered of Wackerle being still alive.

This would have been enough to cast down an ordinary woman, and certainly the case looked hopeless and desperate enough. But a woman with a purpose is not easily turned aside. Like Bruce's spider, she went patiently to work to renovate the web that had been brushed aside by fraud. The battle ground was changed to Minnesota, and here the two parties met again. Judge Boarman, long after he had gone on the bench, and hence out of the case, still maintained the warmest interest in it. Here is an extract from the written advice given by Judge Boarman on the bench to Mrs. Wackerle and her counsel. Weinman claimed that he had first heard of Mrs. Wackerle's suit through a paragraph in the New York *Weekly Mail*, which did not mention the companies the widow was suing, and that, having lately received a letter from William Wackerle in California, he wrote to the editor of the *Mail*, who put him in communication with the Ætna and Mutual. Judge Boarman says: "How did the editor of the *Mail* know the names of the two companies when Mrs. Wackerle was suing but one? * * New York papers rarely go into Minnesota country towns, and one is not likely to reach a German lawyer unless he is a subscriber. I wonder he did not find it in a German New York paper. The company made a mistake in not having it inserted in a German paper. * * * I believe the *Mail* newspaper item to be a fraud, and by proper inquiries of the editors and reporters it can be proved to have been put in by the insurance companies. I believe the letter was written by Weinmann after he was engaged by the company. When the case was lost here he became necessary to the defendants, and worked up the fraud, and he can be defeated in his conspiracy by proper management." This is strong language from the bench, but Mrs. Wackerle does not charge anybody but Weinmann and the false Wackerle with being in the conspiracy. She went to Minnesota and found that Weinmann had brought her bogus husband there and was spending time in the case he was to play. Mr. Weinman and the Wackerles had been among the first settlers of Corwin, and if, as is believed, this bogus Wackerle is really Chris Wackerle, the dead man's brother, the lesson, although a hard one, was not impossible. She found that the identity which the neighbors of the dead man swore to, was based not so much on the appearance of the false Wackerle, but on that appearance joined to his knowledge of things which had happened years before.

The impostor met her at last face to face, and braved it out that he was really her husband. She let him go on, perfecting her case against him in a secretive and prudent way, digging a pitfall which she was sure that he must fall into. Too much credit cannot be given to the little woman for the intelligent manner in which she set out to trip the false Wackerle. Leaving him alone to make up the best case he could in Minnesota, she disappeared, and nobody knew where she went to. Really, her objective point was Quincy, Ill., where she and her husband had come from California. There she went to George Tordinger, a wholesale druggist of Quincy, and Mr. Reimer, another well-known citizen of the town, both men of unimpeachable integrity, from whom she secured the material for the defence. Now this is what followed. When the bogus Wackerle went on the stand he was asked about the child which had died in Sacramento, and which he promptly and truly said was exhumed and brought to Quincy. How had he ordered the transfer? He had had the coffin dug up and put just as it was into a rough wooden box, and shipped to Quincy. Did he remember anything about the condition of the coffin? Well, it was just such a coffin as poor people used; there might have been some flowers about it, &c. Nothing else? Nothing else. Quite sure? Quite sure. And what happened in Quincy? Well, the child was buried there. Nothing else that husband would be apt to remember? Nothing else. Sure? Yes, certain. Another child was born in Quincy? Yes; one. When? About three weeks after they arrived there, and after having buried the one brought from Sacramento. Absolutely no other circumstance which a husband would be apt to remember? Nothing else happened. Did he remember the circumstances attending the birth of the child born in Quincy? Oh, yes; they did not impose them selves on his memory so particularly. Where did the birth occur? In the house they had rented and lived in at Quincy. And there was nothing in this birth to distinguish it from any other in his family? Nothing. And this child was born some time after the other was buried? Yes. First, last and only time Mrs. Wackerle wanted. Her moment of triumph was at hand, and the little woman broke down with hysterics when she recognized that the long fight was over and she had won. Her Quincy witnesses were put upon the stand, and the false Wackerle almost laughed at the following story which told. Yes, they recollected clearly when Mr. and Mrs. Wackerle came back from Sacramento to Quincy, because the fact had been impressed upon their memory by the remarkable manner in which Mrs. Wackerle became a mother, on the day of her arrival. She was taken in labor the moment they got off the cars, and had to lie down in the open street. Wackerle had ran for a doctor, and Tordinger and Reimer found the woman lying on the pavement groaning and suffering the most horrible agony. They picked up the poor woman and carried her into a vacant house, where the child was born before the husband had returned with a midwife. And they both swore that they remembered seeing the coffin, with the dead child in it, lying a few feet away on the bare floor from where the poor mother and the living babe were.

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HOURS OF LEISURE.

Consecration of the Church of St. Teresa to-day.

Concert and ball of the Cercle Musical et Philanthropique de l'Orphéon Français, Tammany Hall, to-night.

Vocal and instrumental concert of branch 35 of Parnell Land League, Harry Miner's Theatre, this evening.

The fair in the Twenty-second Regiment armory in aid of St. Vincent's Hospital is to be opened to-morrow evening.

Musical and literary entertainment in behalf of the A. M. F. Zion Board of Publication, Lyric Hall, Wednesday evening.

Lodge of Sorrow under the auspices of Garibaldi Lodge, F. and A. M., Irving Hall on Sunday next, in memory of Garibaldi.

Ladies' fair to furnish the new Liederkranz club house in East Fifty-eighth street, at the club house, beginning on Saturday.

A DECISION TWICE CHANGED.

Two Reversals in the Case of a Man who Omitted to Return a $20 Gold Piece.

Henry Henderson, proprietor of a restaurant and saloon in Twenty-sixth street, near Sixth avenue, in 1880 received from a customer, Robert Robinson, a twenty-dollar gold coin, and as Henderson could not give the change, Robinson told him to go out and get it. Henderson went out, gambled away the money, and did not return. In a few weeks he was arrested, tried for petit larceny in the Special Sessions before Justices Morgan, Kilbreth, and Flammer, and convicted and sentenced to the penitentiary for three months. Henderson's counsel, Mr. Wm. F. Kintzing, appealed the case to the Supreme Court, and Judge Donohue, pending appeal, admitted the prisoner to bail. At the March General Term of the Supreme Court in 1882 the case came on for argument, and Mr. Kintzing contended that Henderson was improperly convicted of larceny, because Robinson in intrusting the coin to Henderson lost all control of it, and, furthermore, that Robinson did not expect the return of the identical gold coin. Therefore he said, the subsequent conversion of the piece of money amounted only to breach of trust. Assistant District Attorney McKeon, on the other hand, argued that the conviction of Henderson was proper because Robinson parted with the $20 for the specific purpose of having it changed, and that in so doing he parted with the possession but not with the property. Chief Justice Noah Davis heard the argument, and reversed the judgment of the Special Sessions. He directed that Henderson be discharged, because the conviction of larceny could not be sustained against him according to the law in this State.

Mr. McKeon appealed to the Court of Appeals, and the case was argued in Saratoga before the Court took its June vacation this year. Assistant District Attorney Vincent appeared for the people, and Mr. Kintzing for Henderson. Judge Tracy handed down the decision, which reached this city yesterday, reversing Judge Davis's decision, and sustaining the Special Sessions. The Associate Justices concurred. The circumstances within all of the authorities, the written decision says, justified Henderson's conviction. The decision proceeds: "The case of Reg. against Thomas is a nisi prius case reported in 9th C. and P., 741, where it was held by Coleridge, J., 'that the prosecutor, having permitted the sovereign to be taken away for change, could never have expected to receive back that specific coin. He had, therefore, divested himself of all title. Well, it was just such a coffin as poor people used; there might have been some flowers about it, &c. Nothing else? Nothing else. Quite sure? Quite sure. And what happened in Quincy? Well, the child was buried there. Nothing else that husband would be apt to remember? Nothing else. Sure? Yes, certain. Another child was born in Quincy? Yes; one. When? About three weeks after they arrived there, and after having buried the one brought from Sacramento. Absolutely no other circumstance which a husband would be apt to remember? Nothing else happened. Did he remember the circumstances attending the birth of the child born in Quincy? Oh, yes; they did not impose them selves on his memory so particularly. Where did the birth occur? In the house they had rented and lived in at Quincy. And there was nothing in this birth to distinguish it from any other in his family? Nothing. And this child was born some time after the other was buried? Yes. First, last and only time Mrs. Wackerle wanted. Her moment of triumph was at hand, and the little woman broke down with hysterics when she recognized that the long fight was over and she had won. Her Quincy witnesses were put upon the stand, and the false Wackerle almost laughed at the following story which told. Yes, they recollected clearly when Mr. and Mrs. Wackerle came back from Sacramento to Quincy, because the fact had been impressed upon their memory by the remarkable manner in which Mrs. Wackerle became a mother, on the day of her arrival. She was taken in labor the moment they got off the cars, and had to lie down in the open street. Wackerle had ran for a doctor, and Tordinger and Reimer found the woman lying on the pavement groaning and suffering the most horrible agony. They picked up the poor woman and carried her into a vacant house, where the child was born before the husband had returned with a midwife. And they both swore that they remembered seeing the coffin, with the dead child in it, lying a few feet away on the bare floor from where the poor mother and the living babe were.

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Musical and literary entertainment in behalf of the A. M. E. Zion Board of Publication, Lyric Hall, Wednesday evening.

Lodge of Sorrow under the auspices of Garibaldi Lodge, F. and A. M., Irving Hall on Sunday next, in memory of Garibaldi.

Ladies' fair to furnish the new Liederkranz club house in East Fifty-eighth street, at the club house, beginning on Saturday.

DREDGED FROM THE DEEP SEA.

Curious Animals that are Brought up From the Bottom of the Ocean.

Prof. Albert S. Bickmore, Superintendent of the American Museum of Natural History, began a series of lectures on zoölogy before the teachers of the public schools yesterday. He said that a great advance in the knowledge of microscopic animals was made by the researches of the British frigate Challenger, which was engaged for three years in the work. It was fitted out with nets so constructed as to drag along the bottom and secure the most delicate animals without injury. The bed of the ocean near the land is apt to be rocky, but in deep water it is a soft ooze. Many of the measurements of depth, made by the Challenger were found to be erroneous by the United States coast survey steamer Blake. The Challenger used a sinking weight with a rope attached, and the current dragged the rope far to one side. The Blake used a cannon ball attached to a piano wire, which the current did not affect, and which descended in a direct line. It had succeeded in reaching the greatest depths ever measured, and it was found that the deepest water was near the shore.

The lowest form of protozoans is the amœba, which resembles the white of an egg and has no shape whatever. It has no particular stomach, but whenever it obtains food makes up a stomach for the occasion. Another low form is a spherical body pierced with holes, and having spikes radiating in every direction. Another is snail shaped, with millions of holes, through which the arms extend in search of food. The shells of these animals form the cliffs of Dover and the rocks of the Appenines and Himalayas, showing that these high peaks were once the beds of oceans. The same process of chalk formation is going on to-day as the skeletons of these animals drop to the bottom of the sea.

Sponges are found in the Mediterranean sea and along the shores of nearly all tropical oceans. They are dragged up with hooks or torn away by divers. They are of three kinds—the bony framework, which is in common use, the calcareous, and the silicieous. They all have a tendency to assume a bowlike form, and the general structure is of small openings running from the outside through stomachs of ciliated cells into a central discharge passage. The water passes through the small openings and is thrown out by the central one.

FINANCIAL AND COMMERCIAL.

New York Stock Exchange—Sales Oct. 14.

Nothing was done in Governments or State bonds worth recording.

RAILROAD AND OTHER BONDS (IN $1,000).

5 Atl. & T. 1st	99	*13 N. O. & Pac. 1st	90¾
8 Ches. & O. R.	95¾	9 N. Y. Elev.	130
10 Chic. & O. 1st mtge	50	2 N. Y. L. E. & W.	20
1 Ch. & N. W. gtd	130	Stocks.	
2 Chic. & Mich. L. S.	140	100 Ala. G. S.	36¼
10 Con. In. 1st	108	50 N. Y. Chic. & St. L.	102¾
4 Ch. St. L. & N. O. 5s	104¾	15 N. Y. Ch. & St. L. 1st	89¾
19 Do. 3d	73	10 Ohio & Miss. 1st	84
8 C. Cin., V. & G. 5s	73	7 Ore. & Cal.	37
10 C. Cin., V. & C. inc.	38¾	12 Rome, W. & Ogdens.	47
2 Clev. St. L. & C.	102¾	2 Rich. & D. 1st	94¾
2 Del. L. & W. 7s	137	2 Do. 2d	70
2 Del. & Hud. 1st	112¾	48 Rich. & Danv.	67
2 Ill. & Ric G.	84	Bonds.	
Erie	41	$6,000 Ala. G. S.	62¾
Erie 2d con.	99¾	5 Ill. Cent.	140
Han. & St. Jo.	42	10 Rock Island	130¾
Hun. & Dut. pf.	77	2 Rich. & Danv.	64¾
Hous. & Tex. C.	88	2 Do. 2d	67
Lou. & Nash.	94¾	8 St. Paul & Om.	47¾
Lake E. & W.	14	8 St. P. & Om. pf.	105¾
Lake Shore	111¾	10 Texas Pacific	41
Manhattan El.	49	San Fran. pf.	56
Metrop. El.	90	Texas Pacific	42¾
Mich. & Chic.	40¾	Union Pacific	105¾
Mobile & Ohio	21¾	Wab. & Pac.	33¾
Missouri Pac.	104¾	Wab. & Pac. pf.	62¾
Nash. Cent.	94	West. Un. Tel.	87¾
Nil. & St. Paul	108		

RAILROAD AND OTHER SHARES.

Bonds, &c.		40615 Nor. Pac. pf.	62¾
400 Atl. & H. pf.	82¾	3650 Norwich	145
2400 Ala. G. S.	36¾	900 Ohio & Miss.	28¾
300 Am. Cab. Co.	72¾	900 N. Y. Chic. & St. L.	14¾
200 C. A. L.	90¾	900 N. Y. Chic. & St. L. pf.	34
7400 Can. South.	66¾	100 N. Y. & N. E.	34
500 Cent. N. J.	71¾	24850 Omaha	47¾
4710 Cent. Pac.	90¾	1000 Ore. & Cal.	36¾
100 Ch. & Alt.	141	10 Ohio & Miss.	28¾
200 Ch. & E. Ill.	130	200 Or. R. & N.	152
1017 Chic. & O.	23¾	100 Ont. & W.	27¾
400 Ch. S. & C.	50¾	1000 Pacific Mail	46¾
250 Dan. & Norw.	73	1000 Port. & Ogd.	27
250 Del. L. & W.	137¾	1000 Rich. & Danv.	64¾
22500 D. L. & W.	138¾	20770 Or. & Trans.	87¾
17200 Den. & R. G.	34¾	1125 Peo. D. & E.	29¾
1000 Det. & Mac.	42¾	1000 Rich. & Danv. pf.	78
1000 E. Tenn. Va. & Ga.	9¾	2125 Rich. & D.	66¾
600 E. Tenn. Va. & Ga. pf.	18¾	2805 Ro. & Pitts.	24¾
1800 S. W. & D. C.	42¾	9450 Reading	42¾
300 Green Bay & W.	9¾	600 St. L. & S. F.	131¾
1900 Ill. & St. Jo.	14	2800 Rich. & W. P.	33¾
Erie	78¾	100 Rome & Sa.	141
600 Ind., Bl. & W.	43¾	273 St. L. & S. F. pf.	57¾
1950 Ill. Cent.	144¾	29 St. L. & S. F. 1st pf.	100
17500 Kan. & Tex.	35¾	20100 St. Paul	108¾
200 Lake E. & W.	91	270 St. P. pf.	122¾
1270 Lake Sh.	111¾	563 St. P. M. & M.	158
12600 Lou. & N.	94¾	25000 Tex. & Pac.	43¾
700 Long Isl.	34¾	2000 Union Pac.	105¾
10000 Mo. Pac.	104¾	4400 Wab. & Pac.	34¾
100 Manh. El.	90	9800 Wab. & P. pf.	63¾
4400 Mich. Cen.	88¾	26235 West. Un. Tel.	87¾
400 Manh'n Bch.	18¾	*Expresses.*	
853 Mem. & Ch.	48¾	15 American	96¾
200 Mobile & Ohio	21¾	70 Wells, Fargo	131
780 Mobile & ST. L. pf.	70¾	*Mining.*	
400 Mut. Un. Tel.	72¾	100 Ontario	36
200 Nort. & W. pf.	55¾	*Coal Companies.*	
600 Nash. & Ch.	94¾	1050 Cleveland	41¾
6810 N. Y. Cent.	132¾	200 Cameron	20
20450 Nor. Pac.	40¾	*Banks.*	
		40 Metropolitan	170
		Total sales, 436,871.	

CLOSING PRICES.

	Bid.	Asked.		Bid.	Asked.
U. S. 6s	103½	102	Mil. & St. Paul pf.	122	124
U. S. 5s at 3½	101½	101	Mo., K. & Tex.	34	34¼
U. S. 4½s	112	113	Mobile & Ohio	18¾	20¾
U. S. 4s	112¾	113	Morris & Ess.	123	125
U. S. 6s, r	118¾	119	Nash. & Chat.	51	52
U. S. 6s, c	118¾	119