fendant early in the morni[illegible]ked him. It. He was told it had co[illegible] caps each filled with about four g[illegible] and one-sixth of a grain of sulphate o[illegible]inine and one-sixth of a grain of sulphate o[illegible]orphine. Dr. Fowler told him that one-sixth [illegible] grain, or even one grain, of morphine could [illegible] have produced the condition; that it was one of the most profound cases of opium poisoning he had ever witnessed, and advised him to go at once to the druggist to see if any mistake had been committed in reversing the proportions of the drugs. This the defendant pretended to do, reporting shortly afterward that the medicine had been prepared exactly according to the prescription, which was written by him.

MORPHINE THE CAUSE OF DEATH.

I have thus related the occurrences covering the period of time between the retirement of the deceased, in apparent good health and spirits, and her death; being some thirteen hours. In the account of her condition, of her various symptoms, and of the treatment and results, the testimony of the attendant physicians agrees, and they all testified in the most positive manner that the deceased came to her death from an overdose of morphine. They based their testimony in that respect upon the appearance and existence of conditions upon and in the person which negatived or precluded the possibility of any other cause of death. Dr. Fowler was a physician who had been over thirty-five years in extensive practice, and whose experience covered many cases of opium poisoning. He testified that it was not an ambiguous case, and that the three stages, of a pleasurable excitement, of coma, and of the entire nervous prostration, with an almost entire dilation of the pupils of the eyes before death, were a group of symptoms which, in connection with other observable conditions of the patient, enabled him to state as a fact that she had had an overdose of morphine. To quote his language: "The whole condition from beginning to end was a picture of morphine or opiate poisoning, and a picture of nothing else." To questions embodying the facts relating to the conditions and medical treatment preceding the death of the deceased, addressed to physicians of high standing and experience, called as experts, they agreed in the expression of their opinions that the cause of death was opium poisoning, and that the symptoms, as a group, indicated death from no other cause.

THE POST-MORTEM EXAMINATION.

An autopsy was made some fifty-five days after death, in which the examination of the body was remarkably facilitated by its good state of preservation, a circumstance due to the fact that the body, having been embalmed, had been interred in a brick vault, kept dry by the gravelly soil surrounding it. Two experienced physicians, accompanied by an experienced chemist, were present at the disinterment and at the autopsy following it. The physicians testified to finding no evidence of disease in the heart or kidneys, nor were there any conditions of pregnancy. There was the congested appearance of the brain which is described as a post-mortem evidence of opium poisoning. The chemical expert removed certain portions of the body necessary to his proposed examination, and an elaborate analysis which he testified to in detail and at great length resulted in the finding of morphine in the contents of the stomach and in the membrane, and an absence of quinine in detectable quantities. It was testified to that quinine is as stable as morphine, and should have been found, if it had been taken in similar quantity. It also appeared that the fluid used for the embalming contained no morphine. It may be observed, in this connection, that as the deceased lived for twelve hours after being taken ill, and as the absorption of morphine is very quick, the finding of morphine in the analysis of the contents of the stomach would be a fact significant of the taking of an excessive dose of that drug. A minimum dose to produce the conditions narrated of the deceased would be, according to the evidence, from two to three or four grains. In connection with all this evidence of symptoms during the attack, of the results of the autopsy, and of the opinions of medical experts, we have certain other facts bearing in an important degree upon the question. The deceased was described as a young woman of fine and healthful appearance, and with a well nourished body. Excepting sick headaches, she had not been a sufferer from ill health, and there had been no evidence, and none was subsequently discovered, of any organic disease. That she had no constitutional idiosyncrasy as to morphine would seem well evidenced from her having been given, during the previous summer, in her illness, doses of one-quarter of a grain of morphine every three hours for some twelve hours and one-sixth of a grain thereafter every four hours for twenty-four hours. Furthermore, during some ten days previous to her last illness, she had taken three doses of one-sixth of a grain each, compounded with quinine, under a prescription of the defendant. The defendant endeavored, by the cross-examination of the witnesses for the people, to establish the theories of uræmic poisoning from a diseased condition of the kidneys; or of a hemorrhage of the *pons varolii*, a lower part of the brain. He also, in his own behalf, examined witnesses called as medical experts, who, in answer to questions embodying the same facts as propounded to the plaintiffs' witnesses, testified that no accurate opinion could be given of the cause of death and that the symptoms were compatible with various conditions. He endeavored to cast a doubt upon the reliability, or the correctness, of the results of the autopsy and of the chemical analysis of the contents of the stomach. In connection with the possible existence of kidney disease, he sought to show that, with a constitutional idiosyncrasy or intolerance for morphine, the effect of an ordinary dose of morphine would be to intensify the action of the drug and to produce symptoms similar to those observed. Without, however, discussing these theories in detail, and while fully alive to the fallibility of the opinions of medical practitioners, and being conscious of the inexactness of medical practice as a science, I am convinced that the jury could not have come to any other conclusion upon this evidence than that the deceased came to her death by morphine poisoning. While, undoubtedly, cases of death do occur of which an autopsy may not reveal the causes, and while the evidence of witnesses did show that there were instances of death from other causes than that of morphine poisoning where some symptoms were exhibited similar to those observed in this instance, the group of these peculiar symptoms, which are admitted to belong to narcotic poisoning, considered with the proof of a constitutional tolerance for the drug, and with the positive testimony as to the discovery of morphine by subsequent chemical analysis, gave a basis for a judgment as to the cause of death which I see no way of doubting or of disturbing. I may add that, in my opinion, which I derive from a careful consideration of the professional evidence given, the theories of uræmic poisoning, or of the hemorrhage in the brain, suggested, were contradicted either by the actual combination of symptoms or from the absence of essential symptoms. I may instance that, as I understand it, the fact of the deceased being able to speak with clear articulation and rationally when her roommates returned and awaked her from her sleep is significant, and something which is not deemed possible where a person is attacked with uræmic coma, or by hemorrhage of the *pons* in the brain; while quite possible in the first stage of morphine narcosis. The sense of exhilaration first noticed, from her remark about having such pleasurable dreams, would not seem to comport with any disease of the brain, or with uræmic poisoning. That symptom, with the comatose condition ensuing, with the symmetrical contraction of the pupils of the eyes to an almost imperceptible point, and their lack of sensitiveness, and with the peculiar respirations, were all symptoms usually found together in narcotic poisoning. The determination as to the cause of death can rest, in my judgment, safely upon a group of symptoms which invariably accompany and characterize poisoning by opium or morphine, upon the subsequent revelations by autopsy and analysis, and upon the previous constitutional conditions of the deceased, all of which together preclude a diagnosis of any other physical disturbance differing from that made.

The question of what was the cause of death was one the determination of which, upon sufficient evidence, belonged to the province of the jury, and the statement of my opinion has been made solely to express a conviction that the necessarily prior determination of that question by the jury was altogether correct. We have no right, and there is no reason, to interfere with the judgment on this branch of the case.

DID THE DEFENDANT GIVE THE POISON?

I come now to the next question, which was for the jury to determine, and that was whether the defendant was guilty of the charge that he had administered the morphine poison to the deceased with the intent to kill her. The evidence upon which this question turned was, as I have said, circumstantial, or indirect, and it will be necessary at some length to review it in order to appreciate its probative force as a whole.

The defendant had formed the acquaintance of the deceased, in the summer of 1889, at Ocean Grove, New Jersey, where her family were residing. When they moved to the city of New York, for the winter, the acquaintance continued, and on Feb. 8, 1890, obtaining a permission from her mother to take her to see the Stock Exchange, he went with her before an Alderman, and they were married under the assumed names of Charles Harris and Helen Neilson. He was at the time pursuing his studies as a medical student in that city, and he continued to visit the deceased until her family returned, in May following, to Ocean Grove. He followed them there soon afterward. Mrs. Potts, the mother of deceased, testifies that there was a falling off in his attentions to the deceased, and a marked change appeared in his manner toward her, which seemed to worry her. A young friend of the deceased, Miss Schofield, coming to visit her in June, upon the occasion of a walk, the defendant informed her, because, as he said, the deceased had insisted upon it, that they were secretly married. Upon Miss Schofield's saying she should beg the deceased to tell her mother, the defendant became very angry, and said she should not do so; that his prospects would be utterly ruined, and that he would rather kill her (the deceased) and himself than have the marriage made public, and expressed the wish that "she (the deceased) were dead and he were out of it." Later in the day he went out with the deceased; was absent for several hours, and upon their re[illegible] to the house she appeared pale and ill [illegible] went directly to her room. Shortly after [illegible], in the latter part of June, she went to [Scr]anton, Pennsylvania, and visited an uncle, Dr. Treverton. While there Dr. Treverton discovered that she was with child and treated her accordingly; but, subsequently, was obliged to remove from her a fœtus of five months' formation, which had been dead for some time. After the operation she recovered her health completely, and returned, in the first part of September, to Ocean Grove.

While she was at Dr. Treverton's, and about the end of July, the defendant came, upon a telegram from the deceased and a letter from Dr. Treverton, and remained a few days. The operation for the removal of the fœtus was made while he was there.

THE SCRANTON DOCTOR'S TESTIMONY.

Dr. Treverton testified to conversations with the defendant, upon the occasion of his visit, in which defendant said he had performed two operations upon the deceased, and had thought everything was removed. He boasted of his previous intrigues with other women, and of his success in not having had any trouble before. His remarks are unnecessary to be wholly repeated, from their revolting depravity; but, in the course of them, he said he had been "secretly married to at least two young ladies," and by one had a fine child. During the same visit he had a conversation with the witness Oliver, then visiting the Trevertons, in which he spoke boastingly of his experience with women and of the facility with which he could gain sensual control of them. He said that in two instances he had to overcome their scruples by a secret marriage ceremony, but was ready to stand by them. Upon the witness asking him how he could stand by both, he answered, in substance, that there would be no trouble, as the first one was glad to be rid of him, and he went on to tell the circumstances of their relations and, as the final result, that, after a child was born, the woman expressed her disgust with him and wanted to see no more of him. To neither Treverton nor Oliver does it appear that he admitted a contract of marriage with the deceased.

While the deceased was at Treverton's her mother joined her, and then learned of the secret marriage and what had happened.

In the first week of September the defendant was at a hotel in Canandaigua, N. Y., under an assumed name, with a young woman named Drew. His conduct toward her was demonstrative in its affection, and her friends there, discovering their illicit relations, compelled him to leave. During his stay witness Latham overheard a conversation between him and the Drew woman, in which he advised her to marry some old gentleman with lots of money, and, upon her asking what if she did, he is said to have replied: "Oh, we can put him out of the way," and, upon her inquiring how, he further said: "You find the old gentleman and we will give him a pill; I can fix that." After the return of the deceased and her mother from Scranton, they met the defendant in New York city and lunched together. They talked about the secret marriage, of which the mother had been informed at Scranton. He offered to satisfy Mrs. Potts of its legality, and took her to the office of his lawyer, Mr. Davison. The defendant told her he had burned the original marriage certificate, but sent for and obtained a copy from the records, and, upon Mr. Davison's suggestion, attached to it an affidavit, made by him, stating his marriage with the deceased under assumed names before an Alderman. During a conversation at the office, he asked if Mr. Potts knew of the marriage. She said it was no time to tell him then, and asked him if he had told his mother. He said: "No, he would not have his family know of it for half a million of dollars." He suggested to Mrs. Potts that if she was so unhappy about the marriage, it could easily be broken and no one would be the wiser. Upon her expressing herself in indignant refusal of the suggestion, and insisting upon a "ministerial" marriage, he objected to it at the time, alleging as an excuse that it would connect her name with certain club scandals in which he was involved at Asbury Park. He promised, however, to have the ministerial marriage at any time in the future that Mrs. Potts should say. He expressed his gratification at her not pushing the matter of the marriage at that time; that if she had he would have been obliged "to leave everything and go West." Upon that occasion he suggested putting the deceased at Miss Comstock's school to fit her, as he said, for the society in which they were to move, to which suggestion Mrs. Potts acceded. At his request she promised to write to Dr. Treverton and express her satisfaction with the marriage, and to prevent the Doctor from making any trouble for him at the medical college, as he had all he could do, he said, to meet the charge of keeping a disorderly house. Upon leaving the lawyer's office, they joined the deceased at the ferry, he crossing with them. The deceased learned of her mother's being satisfied about the marriage, and she seemed to be made very happy in consequence.

HELEN SENT TO SCHOOL.

In December the deceased was placed at school, and as a friend of the family, the defendant received permission to visit her. During her visit to her home in the holidays he wrote to deceased, asking that no announcement should be made of their engagement at this time. In reply to a letter from Mrs. Potts, in the first week of January, he wrote suggesting that there should be no further question of marriage for two years longer, and that her daughter should take a collegiate course. About Jan. 18 or 19, Mrs. Potts wrote to defendant, expressing herself strongly upon the hardship of her daughter's position, with a delay of three years as an unacknowledged wife, and for no apparent reason; that her daughter's illness at Scranton had been commented upon; that if he should die it would be humiliating to publish a marriage under the circumstances of its contracting; that her husband might meet Dr. Treverton and be told of the illness at Scranton and of the Doctor's doubts about a marriage. She concluded by asking him to keep his word, and to do as he had promised her, and demanded of him to go, upon the anniversary of the first marriage, Feb. 8, and be married before a minister of the Gospel, and give her the certificate to hold, which she would make public at such time as she chose. To this he replied that he would do all she asked of him, if no other means of satisfying her scruples could be found. On Tuesday, Jan. 20, a day after he received Mrs. Potts's letter, the defendant went to the shop of McIntyre & Sons, druggists, in New York city, and at first ordered some capsules of sandalwood to be put up. Upon the clerk's mentioning that it would take some time, he said he could not wait. He then handed the clerk a prescription, asking if it would take long to prepare, and, upon learning that it would take a few minutes, waited for it. It called for twenty-five grains of sulphate of quinine and one grain of sulphate of morphine, mixed in six capsules, with a direction to take one before retiring. The prescription was put up by the clerk with minute care, being aided by another clerk, who checked the amount and weight of the morphine according to a custom adopted where poisons are put up. The box, properly labelled, containing six capsules, each capsule containing one-sixth of a grain of morphine and four grains and a fraction of quinine, was taken by him. He never called for the sandal-wood capsules. The following day being Wednesday, Jan. 21, he was at the school reception and saw the deceased. The testimony in the case shows that the defendant stated to both Coroner and Deputy Coroner, when shown and asked about the pill box taken from the room of the deceased, that it was the one that he had given to her on Wednesday, Jan. 21, and he described the prescription as above, stating that he had given it to her for headaches, and that he had given her only four of the capsules. It was also shown by the testimony of several witnesses from the medical college that in the latter part of December and the first part of January lectures were given upon opium and its effects when used feloniously. The sulphate of morphine, contained in wide-mouthed bottles, had been passed around among the students, of whom the defendant was one, and they were allowed to take it out and to handle it when they chose. After meeting the deceased at the reception on Wednesday, Jan. 21, the defendant left for Old Point Comfort, Va., and did not return until a week later. While there, it appears that she wrote to him that the medicine had not relieved her headache, and rather made her worse; to which he replied advising her to continue taking it. On Saturday, Jan. 31, the deceased, her mother, and the defendant met at the school and walked together. The deceased seemed perfectly well, and very bright and happy. Mother and daughter returned to the school, and when in the bedroom of the deceased, she showed her mother the pill box, with one capsule left in it, and remarked she had been taking some capsules that Carl, the defendant, had brought her. She complained of their making her feel ill, and of her dislike to take them. She said she was tempted to toss it out of the window, and then to tell Miss Day, the principal, she had taken it. Her mother advised her to take it, remarking that quinine was apt to make one feel wretched, and that she might have been malarious.

THE FATAL DOSE.

Her mother left, and then occurred the scenes of illness and death in that night, which I have before described. The defendant was sent for toward daylight by Dr. Fowler, who, stating that he believed it to be a most profound case of opium poisoning, wished to learn what had been contained in the pill box in her room, and which not only was the only evidence of anything like medicine about the room, but which, according to her roommates, was the only medicine in the room that day. The defendant told him what had been its contents, and of his having prescribed the capsules for headache, insomnia, and the like. Dr. Fowler said one-sixth of a grain could not produce the condition, and advised him to go at once to the druggist, and to ascertain if the proportions of the drugs had been reversed. He pretended to go immediately, and, when he shortly after returned, stated to Dr. Fowler that the medicine had been prepared exactly according to his prescription.

The evidence shows that he did not go to the druggist's that morning, as supposed by Dr. Fowler, nor until 11 o'clock and after the death, when Dr. Kerr told him to go and try to get the original prescription if he could. During the time he was in the room where the deceased lay, he surprised the physician by his composure and general lack of interest, or of affection, except when upon her death he exclaimed "My God, what will become of me?" He spoke to the physicians of being "somewhat interested in the girl," and mentioned a possible future engagement to her. He asked them repeatedly if they thought he could be held responsible for the death. To them and to the Coroner he said he was merely a friend of the deceased, and pretended hesitation as to her correct given names. In the evening of the Sunday he met Mrs. Potts at the ferry house, and stated to her that her daughter had died of morphine poisoning, and represented it "as the druggist's awful mistake." Mrs. Potts says, when she told him as the deceased was the mother of his child she must be buried under his name, that his terror was frightful and that he said it could not be: that he would do anything, but that the knowledge of the marriage coming at this time would destroy him; that he would "answer just the same if it was Queen Victoria's daughter; she cannot be buried under my name;" and he urged as a pretext consideration for the reputation of the school. The Coroner met them at the school in the evening. The defendant said he had one of the capsules prescribed for the deceased, and gave it to the Coroner, telling him to analyze it and it would be found all right. Subsequent chemical analysis of it proved the correctness in preparing the prescription. The mother, in order, as she says, to get a permit to take the body, as soon as possible, out of the house and to New Jersey, represented falsely, as she also admitted, that her daughter had heart trouble. She left the next day with the body. Some days later the defendant stated to Dr. Hayden, in conversation about the occurrence and when rebuked for writing prescriptions, that "these capsules would not hurt any one and no jury would convict me, because I have two capsules which can be analyzed and be found to contain the correct dose."

THE PRISONER'S DECLARATIONS.

Of the druggist's clerk, witness Powers, at an interview at the store on Feb. 7 when obtaining some medicine, he asked if he had seen the account of the death in the papers and whether he believed it, and, upon the witness expressing his belief that the girl died of heart disease, he said, "So do I." They talked about the putting up of the prescription, and the defendant said there was no doubt it was all right. To Dr. Peabody, whom he went to see with an introductory letter from his medical preceptor, a day or two after the death, and to whom he stated the circumstances attending it, he described the prescription, and for what given, and alleged, as an excuse for keeping out two of the capsules, that it was injudicious to put as much as a grain of morphine in a girl's school. Later in February, in a conversation with Dr. White, he said he did not know whether the druggist had made a mistake, or whether there was a brain tumor which would account for the fact that the morphine in the capsule had been the cause of death. A few days before the Coroner's inquest, which was held on Feb. 27, the defendant met Mrs. Potts and said that the Coroner's inquest would exonerate him and that he was innocent, and upon her remarking, "If innocent, how did she die?" he replied that "It was the druggist's mistake." She asked how that could be when he had said the capsules upon being analyzed would prove it to be all right, and said the statements conflicted. He merely replied that he would have the capsules analyzed himself. He ascertained from her that neither Mr. Potts nor Dr. Treverton knew of her fears. He then endeavored to obtain from her the affidavit of the marriage, saying that he must have it; that it was more valuable than he dare tell her. She said he could not get it; "It is not here."

A STRONG SUMMARY OF THE PROOFS.

Perhaps at too great length, I have given in chronological order, from this very large record, the salient occurrences of the year elapsing between the secret marriage and the death of the young wife. In my opinion, it offers the advantage of furnishing a view of the events which aids the judgment in apprehending their several and collective force upon the questions of the defendant's connection with the cause of death, of an intent to put her out of the way and of the existence of a motive for such an act. Taking them in any combination, is there anything to help out the presumption of the defendant's innocence, and do not every incident and fact, with greater or less significance, form a chain of circumstantial evidence, which subjects and holds him to the consequences of an intentional destruction of the life of the woman, to rid himself of whom no other way seemed open? I can reach no other conclusion. Unable to gratify his passion for her, except by making her a wife, he persuades her to a secret marriage under assumed names. He soon tires of her. He endeavors unsuccessfully to remove the fruit of their marriage. He forms an illicit connection with another woman, to whom, with greater or less seriousness, he proposes a scheme for her enrichment by a marriage, with a way to again becoming free which suggests his sharing in the result. He forbids his wife to tell of the marriage; he manifests anger when her friend, being told of it, says the mother should be informed; wished his wife dead, and said he would rather kill her and himself than to have the marriage made public. When her mother learns of it and presses for a public marriage with sacred forms, he lulls her suspicions by showing the marriage to be legal, and gives her an affidavit; he puts off its announcement on pretexts; he persuades her to put her daughter at school to train her; he again tries to put off the publicity of marriage for two years longer, and when, finally, the mother insists upon a clerical marriage on the anniversary of their secret marriage, he pretends to assent. Immediately he prescribes for the deceased a remedy of quinine and morphine in capsules, harmless to life, but improper, as it was said, for the trouble prescribed for. He awaits the preparation by the druggist of those capsules, though he could not wait for the other order, and he retains them in his possession until the following day, when he gives to the deceased four of the six capsules. He immediately leaves the State and is absent a week, for no apparent cause. He wrote to her to continue taking them, despite her objection that they affected her unpleasantly and gave her no apparent relief. He returns, and she has taken three of the capsules; the remaining one she thought of throwing away, but is advised by her mother to take it. A ghastly incident, I may remark, in this tragedy. Immediately she sickens and dies, with every symptom of what the physician describes as profound morphine poisoning. She had good health. She had no motive to kill herself. She was happy and cheerful, and before her laid the prospect of the announcement of her marriage and the freedom from the burden weighing upon her conscience. The defendant had acquired some knowledge of morphine and its effects about the time at his medical lectures, and he had the opportunity to obtain the drug there, if not elsewhere freely procurable. In the retention of the capsules for a day he had the opportunity of substituting in one of them the poisonous dose of morphine. There was motive for the crime in the fear that discovery would inculpate him as a bigamist, because of his previous secret marriages; and, subordinately, there may have been the motive, with his utterly depraved nature, to prevent putting an end to his apparently successful career of seducing and ruining young girls. He had a motive in a fear, if he persisted in his refusal to acknowledge her as his wife, of the social, professional, or legal consequences to himself, if his operations to cause a miscarriage and which killed the child in his wife's womb should be revealed. The terror, and the agitation of feeling, which he manifested to Mrs. Potts, when it was a question of publishing the marriage, plainly had their source in some great fear of the serious consequences to himself. His irreconcilable statements to some that the druggist must have made a mistake, and to others that the prescription had been put up all right; his extraordinary conduct upon the morning of the day of the death, in professing to have complied with the physician's request to ascertain from the druggist if there could have been a mistake in the proportions of the drugs; when, in fact, he never went there until after the death; his composure and utter absence of affection or of emotion at the deathbed of his wife, until, when dead, he expressed only fear of being held responsible; his subsequent endeavor to get from Mrs. Potts the marriage certificate and affidavit, and, I may add, his unintelligible action reserving for future exhibition and evidence two of the six capsules, all of his conduct envelops him with the atmosphere of guilt and is inexplicable except upon the theory of guilt.

HOW HELEN TOOK THE PILLS.

In the chapter of events it was written that their happening would be in such order as to subvert the probable expectations of the defendant. Instead of taking the poisoned capsule among the first, in which case the defendant would have been absent, and thus could not have been associated with the scenes of death, it so happened that it remained as the last one to be taken. Had it been taken earlier, the remaining capsules would have exhibited, by analysis, the harmlessness of their preparation. Then, too, instead of taking the capsule under the presumably usual circumstances of retiring to bed, it so happened that she took it while her roommates were out for the evening at a concert, and their return, awakening her so soon after going to sleep, enabled them to observe her condition and to give evidence in that respect important in aid of the discovery of the cause of death. By the alarm created the attendance of physicians was secured, through whose observations and efforts further important evidence was added, relating to the conditions and symptoms of the deceased. Had these events not occurred it is probable that she would have passed, in her sleep, from life into death, and the difficulties of detection would have been added to.

It is my opinion, too, that there was strong evidence of the defendant's guilt in the fact that in no way, under the circumstances, do I see that the druggist could have made such a mistake in putting up the prescription. The three capsules first given to and taken by the deceased were harmless, as were the two retained out by the defendant, and the fourth must have contained the poisonous dose, upon taking which the deceased was immediately seized with illness. In no way that I can conceive of could the druggist have reversed the proportions of the drugs in only one capsule. Any mistake of his would have been evidenced in all of the capsules. In the absence of some inconceivable design on the part of the druggist to administer a poisonous dose, his mixture of sulphates could not but have been substantially correct. One capsule could not have been charged with a dose of three or four grains of morphine, sufficient to take life, while the others were harmless, and those retained by defendant and submitted to chemical analysis were shown to be according to the prescription. In the case of a mistake by the druggist, either the deceased would have been affected before, or the capsules reserved by defendant would have revealed the mistake if he spoke the truth.

OVERWHELMING NATURE OF THE EVIDENCE.

In my opinion the evidence not only warranted the verdict of the jury, but I do not see that any other could have been rendered which would be consistent with the evidence.

Evidence, as I have suggested, is not to be discredited because circumstantial. It has often more reliable elements than direct evidence. Where it points irresistibly and exclusively to the commission by the defendant of the crime, a verdict of guilty may rest upon a surer basis than when rendered upon the testimony of eyewitnesses, whose memory must be relied upon and whose passions or prejudices may have influenced their testimony. If, taken together, it leads to a conclusion of guilt with which no material fact is at variance, it constitutes the higher form of evidence which the law demands where the life or the liberty of the defendant is at stake, and neither jurors nor the court can conscientiously disregard it. Nor can I think that the conclusion of guilt is unduly influenced by the unusual depravity of nature which the evidence exhibits in the defendant. The evidence seems to overwhelm the accused with his guilt, and leaves the mind unfitted to accept any other belief than that he intended to make away with his wife in order to free the field of his own life, and to escape from the imminent danger of disgrace or punishment, and that with cold deliberation he planned her death by methods which should conceal him as its author. The circumstances preceding and attendant upon the death of the deceased were such as to associate him inevitably with its cause, and to forge the chain which has drawn him to the bar of justice.

The successive steps in this drama seem plainly defined from the secret marriage, on Feb. 8, 1890, up to the tragic close of the victim's life, on Feb. 1, 1891. There were the weariness following upon satiety of desires; the destruction of the fruit of the marriage he had been obliged to contract in order to possess the woman; the continued effort to avoid disclosures which would jeopardize his reputation and perhaps his liberty, lulling the mother into fancied security and into a satisfaction with a temporary concealment of the marriage; and finally, when pressed and no longer seeing a way to put off disclosure, he accomplishes the destruction of his wife's life, a few days before the date set for the fulfilment of his promise to have the ceremonial marriage. I think that justice does not demand that this defendant should have a new trial, unless there were errors committed upon the trial in the admission or exclusion of evidence, or in the charge of the Recorder, which affected any substantial rights of the accused. As his counsel has insisted upon their existence, it is necessary that some of the errors which he pointed out should be carefully considered by us.

NO LEGAL ERRORS ON THE TRIAL.

He insists that it was error to receive the testimony of Dr. Treverton, a witness for the people. He was uncle to the deceased; with whom she remained for some two months at Scranton, and who operated upon her and removed a dead child of five months. The objection relates to his testifying to a conversation with the defendant, and is based upon its being privileged, under that statutory prohibition which seals a physician's mouth, and upon its tending to prove the defendant guilty of another crime; namely, of abortion. The first ground of objection is untenable for several reasons. In the first place, the witness was not employed by the defendant. In the second place, he acquired no important information from the defendant, or any which he was not already possessed of, or which was necessary for him in order to act in a professional capacity. Lastly, the statutory privilege was not conferred to shield a person charged with the murder of the patient, as was held in Pierson agt. People, 79 N. Y., 424. I should never be willing to assent to a construction, or to believe in a legislative intent, which would operate to convert a statutory provision protecting a patient from a damaging or objectionable disclosure into a protection for a person on trial for the murder of the patient.

The second ground of objection is also untenable, because the evidence shows, or tended to show, the existence of motive on the part of the defendant. It went to show the endeavor of the defendant to keep the marriage secret. To prevent the obligation of having to recognize the marriage, he endeavored to destroy the fruit, and had been willing to do that by criminal means. Then the knowledge by the mother and uncle, of this criminal act, placed him more or less in their power to compel him to comply with their request.

The remarks upon the question of privileged communications in the instance of Dr. Treverton's testimony, to the effect that the statute should not be construed to be applicable to protect a person accused of the murder of the patient, apply to Dr. Hand's testimony, and with even greater force to the instances of the testimony given by Physicians Fowler, Kerr, and Baner, who were called in to attend the deceased upon the night before she died.

The testimony of the witness Oliver, disclosing a conversation with the defendant, in which, after boasting of his previous extensive intercourse with women, and of his successful methods for violating their persons, he admitted having previously contracted two secret marriages, made necessary to overcome the scruples of the women, was clearly admissible on the question of motive. It threw light upon it. With a previous secret marriage, the publicity of his later marriage with the deceased would have stamped him as a bigamist and have ruined his reputation, if it would not have subjected him to criminal prosecution.

The argument against the admissibility of the evidence of the witness Latham presents more difficulty, perhaps, at first glance; but when we consider the importance of showing motive in a case where the evidence to charge the accused is wholly circumstantial, the difficulty disappears. It may be remarked, in connection with this evidence from the witnesses Latham and Oliver, that while evidence merely to show previous bad and vicious character is inadmissible against one on trial for the commission of a criminal offense, if the depraved acts, offered to be shown, evidence, or throw light upon, motive, they become admissible. That the accused has suffered from the unconscious influence upon opinion of the record of a bad life is not to be assumed as against jurors who have sworn to convict upon evidence only which establishes the guilt of the accused.

THE CANANDAIGUA INCIDENT.

The evidence of witness Latham exhibited the defendant with a young woman at a hotel in Canandaigua, in September, 1890, and proved that they held illicit intercourse with each other, and that a conversation was overheard in which the defendant suggested her marrying some old man with plenty of money, and that if she found one, they could give him a pill and get him out of the way. I consider that this evidence was admissible, because it bore upon the question of motive, and tended to repel that strong presumption which would militate in favor of a husband when on trial for the murder of his wife. The rule that evidence in criminal cases should be confined strictly to the question in issue is not infringed upon because the evidence offered, while tending to prove some essential fact in the guilt of the accused, may also prove the commission of another offence. Such evidence is relevant and admissible whenever its presence goes to sustain the charge by showing scienter or motive; for these facts are essential elements of a crime. People vs. Stout, 4 Parker's Crim., 71.

So, in the present case, proof of the existence of the element of motive is aided, in some degree, by showing what were the defendant's relations and feelings toward his wife, as evidenced by his conduct and his remarks when with others.

Wharton, in his work on "Criminal Evidence," says (§51), that on the trial of a husband for the murder of his wife, the State has a right to prove his adultery with another, as illustrating a desire to get rid of the marital relation; and he cites in support of the rule People vs. Stout, supra, and several authorities in other States. In People vs. Stout the defendant was accused of the murder of Little, and the prosecution offered evidence to show incestuous intercourse between defendant and Little's wife, who was defendant's sister. The evidence was held admissible to show motive and that it was no objection that it tended to prove a distinct felony, namely, the incest. Welles, J., with whom Johnson and Smith, JJ., concurred, delivered the opinion of the General Term in that case, and they placed its competency upon the ground of its establishing a motive to get the deceased out of the way. And see State vs. Watkins, 9 Conn., 47.

The evidence of witness Latham tended to show that defendant had ceased to hold his wife in such affection as the law presumes to exist from the marital relation. It tended to contradict the existence of natural motives to prefer, cherish, and care for her. The real difficulty in the propriety of the admission of this testimony relates to the suggestion of the defendant to the Drew woman, in this conversation, that if she found and married some old man with plenty of money he could be gotten rid of by a pill. If this testimony was irrelevant upon the question of motive it was not material upon the point in issue, and its effect could hardly be other than to prejudice, more or less seriously, the defendant in the minds of the jury. But such testimony was relevant upon the question of motive. It strongly characterized the nature of the defendant's relations with this woman and illustrated their closeness and the underlying intensity of feeling.

THE MOTIVES FOR THE CRIME.

The evidence of an illicit intercourse went to exhibit what were the defendant's feelings toward his wife and bore upon his desire to get rid of the marriage relation; but the further evidence, in what he proposed to his mistress that she could or should do, went to exhibit how strongly he desired the permanence of their relations and to point out a way by which, in the future, they could secure that permanence with such advantages in their surroundings as the possession of wealth would procure. If this conversation, so overheard by the witness, furnished any clue to the existence of motives, we cannot assume, nor say, that it was meaningless or immaterial. The weight and importance to be attached to it were for the jury to consider in the light of all the circumstances. It did tend to prove that the defendant's feeling toward his mistress were not transient or ephemeral in their nature, but that they were sufficiently intense to give rise to a desire that their relations should be made durable. His marriage was unknown, and he was determined that it should not be made public. He saw a way, which his strong passion for the woman led him to propose; by which, through a criminal act, they might be able to continue together in the future more advantageously. To this she listened. What was the situation? The adulterous connection had assumed such intensity of character that a scheme was broached and listened to, which in its conception indicated, and in its execution would menace, jeopardy to the life of defendant's wife, for its very hostility to the restraints of the existing marriage tie. Its adoption bound him and his paramour closer together in a partnership in a criminal project and placed each, more or less, in the power of the other. I think these considerations are sufficient to show the relevancy of the evidence, as characterizing the exceptional nature and intensity of the adulterous relation, and, in that respect, bearing upon the existence of motives to get rid of his wife.

It was none the less relevant as indicative of this genuine and powerful motive because it tended to show the tendency of his mind, and that he regarded marriage as a means to an end, and the marital relation as but a light burden, from which relief could readily be obtained by the skilful and secret use of a deadly pill.

It was proper for the jury to receive and to weigh, in connection with all the other circumstances, and in considering the probabilities of the defendant's harboring an intention, unrestrained by the ordinary influences of love and affection, or the fact of marriage, to destroy the life of the deceased.

Many cases might be referred to, in this State and elsewhere, where any evidence is considered to be admissible, if illustrating the mutual relations and the relative feelings of husband and wife, where one is on trial for the murder of the other. This link in the evidence to charge the defendant was of itself inconclusive, of course; but it was not wholly irrelevant or immaterial, to be considered upon the existence of motive. It contributed some strength to the chain of circumstances, because it tended to eliminate that weakness which otherwise it would possess from the natural abhorrence of the mind to presume a capacity in the defendant for such a crime upon his wife.

A motion was made to strike out evidence as to the disappearance of a letter from Dr. Fowler to Mrs. Potts, upon an occasion when the defendant was in her room, and the denial of the motion was excepted to. The argument is that it tended to throw discredit upon defendant as indicating his having abstracted it. The evidence of Mrs. Potts had been received without objection being made. Subsequently, when the motion was made and denied, the Recorder, after a discussion, instructed the jury that the evidence simply established the fact that the letter received by Mrs. Potts subsequently was missed by her, and that they were not to connect the defendant in any way with the letter on the evidence. On both grounds the matter of error is disposed of, and there is no room for any argument that the defendant was prejudiced.

Certain hypothetical questions asked by the defendant's counsel of medical experts, who testified for the people, were excluded, and the error of their exclusion is argued. Inasmuch as there was no foundation in the case for the facts assumed by the questions put, the ruling was correct. Such questions, to be properly asked of purely expert witnesses, must rest upon facts which are either admitted, or which, being in conflict upon the evidence, the jury are to pass upon.

FAIRNESS OF RECORDER SMYTH.

I see no reason for discussing any other assignments of error. None was important or prejudicial to the defendant. The charge of the Recorder was remarkably able in its exposition of the law, most impartial in its presentation of the facts and very clear. He instructed them that "if the facts and circumstances taken together are susceptible of two constructions, one pointing toward guilt and the other toward innocence, in criminal cases, the accused is bound to receive the most favorable construction;" and, again, he said to them that, before the defendant could be convicted, "the evidence must satisfy you of his guilt beyond a reasonable doubt. * * * The District Attorney must establish to your satisfaction and beyond a reasonable doubt the guilt of this defendant." Indeed, the counsel for the accused only finds it necessary to present in his brief as an error the refusal of the Recorder to charge the fifth request, which was that the jury should always act upon the presumption that the accused was innocent, and should reconcile all the circumstances with that side of the question. The Recorder had previously received written requests from the defendant's counsel, and when asked by him, after the conclusion of his charge, what had been his disposition of them, he said that if there was anything in them not embraced in the charge, he might accept; whereupon he excepted specifically to the refusal to charge each request. The particular request now in question, I think, had been fully covered and its matter emphasized by the charge, and the refusal to specifically charge it was discretionary, and constituted no error to the prejudice of the defendant.

Upon the most careful consideration of this record and of the questions raised by that consideration, or by the counsel for the appellant, I fail to discover the existence of any substantial errors and, in my opinion, no ground exists for awarding to him another trial upon this indictment.

Some questions are raised and are discussed in the appellant's brief in relation to the empanelling of jurors. Some are covered by the opinion of this court in People v. McGonegal, lately handed down, and need no discussion here. The others suggest no error in the rulings.

The judgment, therefore, should be affirmed. All concur.

HARRIS IS GLAD THE END IS NEAR.

He Will be Taken to Sing Sing To-day—Many Sign the Petition for His Pardon.

Before noon to-day Carlyle Harris will be locked up in a cell in the dead house at Sing Sing prison, within thirty feet of the chair in which he will be killed. The exact hour of his leaving the Tombs to take his final journey and his last breath of any but prison air is kept a secret in order that there may be no unseemly demonstration by a crowd.

Harris bade good-by yesterday to all his friends except his mother and his counsel. They will be permitted to see him even after he reaches the dead house. In his final interview with the newspaper men whom he knew he requested that the following be printed:

"A large number of persons, some known to me and more unknown, have sent me messages of sympathy, small amounts of money, books, and food during my confinement here. I haven't had the time or the strength to acknowledge their kindnesses individually, and I beg that this public expression of my appreciation and thanks will be accepted in lieu of a personal letter."

Harris said that his last day in the Tombs had been a miserable one.

"I am weak, racked by neuralgia, and worn out," he said. "I am glad the end is near."

At the office of Howe & Hummel there was a line of people all day waiting for a chance to sign a petition for the pardon of Harris. Once or twice the line extended out into the street. Hundreds of letters were received at the office, and hundreds more were received at the Tombs. Harris bears up well, and it is not expected by anybody that he will break down, although those who have known him can see that he is not nearly so strong as he was. Among the reporters who saw him yesterday was one man who used to know him when he was a boy, and lived in Degraw street, Brooklyn. They used to steal ash barrels and break windows together. They talked over old times.

"I'd like to be playing in Degraw street again," said Harris, sadly, "but I guess I'll never be so near it again as I am right now."

Harris knows that he is to be taken to Sing Sing to-day, but he does not know the hour at which he is to leave.

LIFE SENTENCE FOR HALLISSEY.

His Brother and a Witness Released After Eighteen Months' Detention.

Thomas Hallissey, who was convicted of murder in the second degree in the General Sessions on Friday last for killing Thomas McLaughlin at 420 East Eighty-ninth street, on Aug. 1, 1891, was arraigned yesterday for sentence. Hallissey is in an advanced stage of consumption, and Judge Martine directed that he be allowed to be seated while his counsel, Lawyer Le Barbier, moved for a new trial. Judge Martine denied the motion and sentenced Hallissey to imprisonment for life.

William Hallissey, Jr., Thomas Hallissey's brother, was jointly indicted with him for the killing of McLaughlin. Assistant District Attorney McIntyre, who prosecuted Thomas Hallissey, told Judge Martine that there was no evidence to connect William Hallissey, Jr., with the killing of McLaughlin. He therefore moved that William be released upon his own recognizance. Judge Martine granted the motion, and William, who has been imprisoned in the Tombs since Aug. 3, 1891, was released.

William Burke, who was with McLaughlin at the Hallissey flat on the night McLaughlin was killed, was then called to the bar. Shortly after the killing Burke was committed to the House of Detention. While there he quarrelled with William Gallagher, and assaulted him. He was indicted for the assault and was transferred to the Tombs. Mr. McIntyre said that as Burke had been imprisoned in the House of Detention and in the Tombs for nearly eighteen months, and as he had been useful to the People in the prosecution of Thomas Hallissey, he would move that Burke be discharged on his own recognizance. The motion was granted, and Burke was released.

Twelve fast trains for Buffalo and Niagara Falls, daily, via New York Central.—Adv.

Sufferers from Dyspepsia

Here's Something for You to Read

Distress in the Stomach CURED by HOOD'S.

Miss Jennie Cunningham
South Newcastle, Me.

"When I began taking Hood's Sarsaparilla, I could eat nothing but very light food, without having terrible distress in my stomach. I had tried other medicines, which did me no good. Before I had taken one bottle of Hood's I saw that it was doing me good. I continued to grow better while taking five bottles, and now

HOOD'S Sarsaparilla CURES

I can eat anything. I have had no distress for months, and I think there is no medicine for dyspepsia like Hood's Sarsaparilla. My appetite is excellent, and my health is very much better than for years."—MISS JENNIE CUNNINGHAM, South Newcastle, Me.

Hood's Pills cure Constipation by restoring the peristaltic action of the alimentary canal.

HENRY GEORGE WON'T DO FOR A JUROR

Excused in the Buchanan Case Because He Won't Take the Judge's Word for the Law.

The work of obtaining a jury to try Dr. Robert W. Buchanan for the alleged poisoning of his wife, Anna B. Buchanan, with morphine was resumed yesterday before Recorder Smyth in the General Sessions. There was an extra panel of fifty talesmen in attendance, but before the day was over it was necessary to draft thirteen more talesmen from Part II. of the court, making sixty-three who were examined during the day.

The first baker's dozen of the talesmen had conscientious scruples against capital punishment, as well as an indisposition to convict upon circumstantial evidence. When Adolph Flegenheimer, an ex-Alderman and a dealer in wines in the Grand Opera House, was under examination, Dr. Buchanan, for the first time since the trial began, whispered to Lawyer Brooke, his senior counsel. Mr. Brooke told Mr. Flegenheimer that Dr. Buchanan thought that he knew him (Mr. Flegenheimer). Mr. Flegenheimer said that he had no recollection of the acquaintance. He was excused.

Herman H. Smith, shoe dealer, of 274 West 125th street, said that he was willing to serve as a juror, but he feared that he was somewhat of a Jonah in criminal trials, because as soon as the jury of which he was a member was impanelled the defendants had uniformly pleaded guilty. He was also excused.

Robert J. Eidlitz, a son of Mark Eidlitz, the builder, while being examined by District Attorney Nicoll said that he understood that Prof. Witthaus of Columbia College was to be an expert witness for the people. He knew Prof. Witthaus very well, and was prepared to place implicit reliance upon anything that he would say. Mr. Eidlitz was excused by consent.

Henry George then took the witness stand, having been drawn in the extra panel of talesmen. In reply to Mr. Nicoll's questions he said that he had no conscientious scruples against the infliction of capital punishment, and was prepared to find a verdict upon circumstantial evidence, if it was satisfactory to his mind. He had not read any newspaper articles about the case, and had neither formed nor expressed any opinion as to the guilt or innocence of Dr. Buchanan.

"Are you the distinguished author of some well-known books on political economy, Mr. George?" asked Mr. Nicoll.

"Well, sir," answered Mr. George, "I have written some books on that subject, but I do not know whether I am distinguished or not."

Mr. George said that he had never been a juror in a criminal case. Mr. Nicoll said:

"The challenge for the people is withdrawn," and Mr. George took his seat. Just then assistant District Attorney Unger, Mr. Nicoll's private secretary, called Mr. Nicoll's attention to the fact that Mr. George was recently called as a juror in the Superior Court before Judge Freedman, and that he there had said, under examination, that he would not take the law as laid down by the Court without question, and Judge Freedman had discharged him from further service during the term. Mr. Nicoll thereupon said:

"The people will exercise their right of peremptory challenge in this instance," and Mr. George stepped down.

The outcome of the day's work was the obtaining of three new jurors. When they were sworn the list of jurors was as follows:

Foreman, George C. Trede, plumber, 412 West Fifty-fourth street.
George S. Adams, Treasurer, 33 West Sixty-third street.
Frederick S. Farrell, clerk, 224 West Twenty-first street.
Augustus Wortman, clerk, 747 East 141st street.
Joseph J. F. Bopp, manufacturer of society emblems, 2,724 Third avenue.
Harriott M. Paradise, travelling salesman, 1,486 Lexington avenue.
Henry Gieschen, liquor dealer, Park avenue and 123d street.
Emil Gabler, piano manufacturer, 214 East Twenty-second street.

The trial was then adjourned for the day.

A BATCH OF HORSE THIEVES.

Five of Them Arraigned in the Yorkville Police Court Yesterday.

Five horse thieves were held to await the action of the Grand Jury by Justice McMahon in the Yorkville Police Court yesterday. About 11 o'clock yesterday morning, Joseph Hickey, 22 years old, of 535 East 135th street, tried to run away with a horse and wagon in West Fifty-sixth street, the property of Gehard Depken, a grocer of 705 Ninth avenue. He was held in $1,500 for trial.

At 2 o'clock yesterday morning Policeman Tancredi of the Sixty-seventh street station saw two men leading a horse through East Fifty-ninth street. He arrested the men, who said they were John Fox, 21 years old, of 241 East Fifty-ninth street, and Hugh McArdle, 20 years old, of 243 East Fifty-ninth street. The men had stolen the horse, which was the property of William Angevine of 232 East Fifty-sixth street, from a stable at 411 East Sixtieth street. The prisoners were held in $3,000 each for trial.

Thomas Murtha, 21 years old, who lives at 134th street and Madison avenue, and Thomas Keean, 22 years old, of 106 East 130th street, broke into a stable belonging to Max N. Buhmann, at 108 East 130th street, last Tuesday morning, and stole a horse and harness worth $200. They were arrested by Policeman Pelton of the Sixty-seventh street station, who found them with the horse at the corner of Sixty-fifth street and Third avenue. The prisoners were held in $2,500 each for trial.

A Pickpocket on a Broadway Car.

Mrs. Catharine O'Neil of 83 Monroe street was stepping on a Broadway car at Chambers street yesterday afternoon, when the conductor yelled, "Look out for your pocketbook!" and grabbed a man who was trying to leave the car. A couple of policemen, attracted by the struggle, relieved the conductor of his struggling prisoner. Mrs. O'Neil's pocketbook, containing $1.02, was found on the ground at the man's feet. At the Tombs Police Court he said that he was Charles C. Brooks of 172 Madison street. He was held for examination.

Two of a Gang of Negro Murderers Hanged.

JACKSON, Miss., March 22.—John Terry and Ben McCoy, negroes, were hanged at Halzehurst at 2 o'clock this afternoon for murder and robbery in Copiah county in October last. There were seven in the gang. Two are in the penitentiary and one in jail, who will also be hanged. Two have not yet been captured.

Nervous headaches promptly cured by Bromo-Seltzer—trial bottle 10c.—Adv.

Horses, Carriages, &c.

PETER C. KELLOGG & CO.'S Sixteenth Annual Special Combination Sale of TROTTING STOCK,
to follow immediately after the sale of the Fashion Stud, WEDNESDAY, THURSDAY, and FRIDAY, March 22, 23, and 24, 1893, At the American Institute Building, 3d av., between 63d and 64th sts., New York (Office 107 John st.).

About 180 Horses, of popular trotting strains, mainly consigned direct from their breeders, suitable for all light harness work, such as the carriage, the road, business and family uses, the saddle, and all utility purposes, except heavy draught. Buyers will find opportunity, regardless of weather, to try them thoroughly in harness on the large exhibition track within the building for three days before the sale opens. For catalogues address PETER C. KELLOGG & CO., Auctioneers, 107 John st., New York.

STREET SPRINKLERS.—If you want a Sprinkling Truck, come and see Westerfield's NEW PATENT, at 61 Thompson st.

FOR SALE—Light platform spring top business wagons. 308 East 35th st.

FOR CLUBBING A PRISONER.

Policeman McGreevy Held Under $1,000 Bail—His Accuser's Story.

Policeman John J. McGreevy of the East Twenty-second street station, who lives at 330 East Fifteenth street, was held in the Yorkville Police Court yesterday in $1,000 bail on a charge of drinking in a saloon and afterward assaulting a prisoner. On Saturday night McGreevy arrested Hugh Lackey of 280 East Twenty-fifth street for being drunk and disorderly. When arraigned Lackey told the Justice that he and the policeman had taken a drink together in a saloon, and that afterward the policeman waited outside and assaulted him with his billy.

At the examination yesterday afternoon one of Lackey's witnesses, Margaret Stanton, testified that on Saturday night she went with Lackey to a dance at Nilsson Hall. While there a row started between Lackey and Policeman McGreevy. Finally they became reconciled and the policeman asked Lackey and Miss Stanton to go to a neighboring saloon and have a drink. The liquor was brought to the woman in a room at the rear of the saloon, while Lackey and McGreevy took their drink at the bar. Miss Stanton says that she had not been in the saloon five minutes when she heard a violent dispute between the two men, and saw the policeman trying to drag Lackey into the street. Finally the former gave up the attempt, but told Lackey that he would thrash him when he came outside.

Miss Stanton became frightened, and, leaving Lackey in the saloon, she went around to the Twenty-second street police station house and asked Sergeant Kelly to allow a policeman to accompany her to the saloon. When the policeman reached the door, he said it was all right and returned to the station house.

In a few minutes, Miss Stanton says, she saw Lackey come out of the saloon. She started to look for another policeman, but hearing a noise she turned and saw Lackey lying on the sidewalk, and McGreevy standing over him with his billy in his hand. Then the policeman jerked Lackey to his feet and took him around to the station house.

McGreevy, in his defence, said that Lackey was a desperate character, and is now out on bail under an indictment for stabbing a man and for biting off part of a boy's ear.

CONDUCTED HER OWN CASE.

Mrs. Brophy Wins the Day and the Men Retire in Disorder.

ST. LOUIS, March 22.—Mrs. Sarah Brophy, notary public and real estate operator, was the defendant in a suit for a real estate agent's commission to-day. The lady, who explained to the Court that she was as good as a dozen lawyers, conducted her own case and won it. Her manner in court was picturesque in the extreme, and "standing room only" was the announcement from the moment the lady began to teach the Judge and jury their business.

The first witness was the President of the real estate firm, who produced the contract upon which the suit was based, and which Mrs. Brophy condemned as "one of them ironclad contracts got up by real estate men." Her first question in cross-examination was whether the witness did not know he was prevaricating, and she proceeded to ask whether he really thought she owed a cent. Objection being raised, the lady remarked:

"What's the matter with you? Can't you answer? Don't you think as a man on oath you are trying to swindle me?"

An attempt to expostulate was greeted with the retort:

"Never mind that. Did you earn a cent from me?"

"Yes, madam."

"Then you are no man," shouted the lady, indignantly.

"Is that all?" asked the Court.

"Of course it is," replied the female notary. "These real estate men and lawyers are all alike."

The lady then examined herself, and so impressed the Court that a nonsuit was ordered. The lady remarked, sotto voce, that the Judge evidently knew his business, and retired with flying colors.

TOUGH SHORTY BOYLE.

A Newark Special Policeman Bested by His Fourteen-year-old Son.

Special Policeman George Boyle of Newark was in the court room of the Fourth precinct in that city yesterday morning when Justice Preisel took his seat. Boyle had a club hung around his neck by its leather thong and his right hand was wrapped in a bandage, while his face showed several bruises and scratches. He told the Justice that his injuries had been incurred in an effort to correct his son.

"He must be a big fellow," said Justice Preisel.

"No, your Honor. He ain't big, but he is tough. He is only 14 years old and not large for his size, but he is a holy terror. I watch at night and sleep in the daytime. Yesterday afternoon I was woke up by a devil of a racket down stairs, and when I went down I found the kid drunk and larrupin' his sister. I took a hand, and this is what I get. He near bit a chunk out of my hand and scratched my face this way. I don't want him sent up, but I want you to write a letter to Pat Keating and tell him not to let the boy have any more beer. I guess he'd be all right if he kept sober."

Shorty Doyle has not spent a day in school for nine years, and recently he has been employed in Patrick J. Keating's mineral water bottling establishment. His father says that all the boy does is "chase the duck," which is a local phrase for "rushing the growler." Justice Priesel promised Boyle that he would send for Mr. Keating and have a talk with him about the boy.

When Shorty was spoken to about the matter yesterday he said: "Say, de old man is gittin' a little nutty. See? I never touched him. I could do him easy if I wanted to."

Tried to Cash a Forged Check.

For some time past Inspector McLaughlin has been receiving complaints almost daily from down-town banks that forged checks for from $10 to $150 were being presented to them. Detectives O'Brien and Taylor were detailed to investigate, and they made an arrest on Tuesday.

While standing in the People's Bank, at Canal and Thompson streets, a young man walked in and presented a check for $100, which was drawn by Alley & Rosenburg of 484 Broadway to its order. The firm is well known at the bank, and the paying teller at once declared the signatures of the check to be forgeries.

The detectives arrested the young man, who gave his name as John D. Ross, 19 years old, a compositor, of 98 Allen street. In the Tombs Police Court yesterday he was held in $2,000 bail.

Just About This Time

We begin to hear from the man who says "you're run down and need a spring medicine."—But what about a spring Food? We can't think of anything better than good, wholesome Griddle Cakes.

USE

Heckers'

SELF-RAISING Griddle Cake Flour.