BARS GALLAGHER LETTERS.

RECORDER WON'T LET THEM IN ON THE MOLINEUX TRIAL

Unless the Defence Accuses Gallagher of the Murder—Osborne Repeats That He Is Not "Running Molineux Against the Field"—Kinsley Cross-Examined About Mistakes—Corroborated by Expert No. 2.

The examination, cross-examination, re-direct examination and re-cross examination of handwriting expert William J. Kinsley were completed yesterday afternoon, and to quote some of the lawyers, the trial of Roland B. Molineux, accused of the murder of Mrs. Katherine J. Adams, was at last fairly under way. The stenographers reported that they had taken 1,000,000 words of testimony. Yet so out of the ordinary has been the course of the trial that the jury might search the entire million words and still be in ignorance that a murder had been committed; that Harry Cornish had received by mail a package of poison; that any motive for crime was alleged; in fact, still be in ignorance of everything that in the ordinary course of events they would have been informed of on the first day or two of the trial. Immediately upon the retirement of Mr. Kinsley from the stand Assistant District Attorney Osborne instead of proceeding in the usual order produced another handwriting expert. He told the Recorder that he intends to call a large number of experts. The second expert was John F. Tyrrell of Milwaukee. In the short time that he was on the stand before adjournment he corroborated all of the general conclusions of Mr. Kinsley; that is, that Roland B. Molineux wrote all of the Barnet and Cornish letters and wrote the address on the wrapper of the poison package.

EFFECT OF ENVIRONMENT ON HANDWRITING.

Everybody was weary when the trial was resumed yesterday morning, and those who had for two weeks listened to the ceaseless questionings of Expert Kinsley showed it in their faces. The Recorder was more or less snappish; the lawyers were cross and out of sorts, the witness was unhappy; the jurymen were tired, and even the young man whose life is at stake and Gen. Molineux, his father, seemed unable to stir up that interest in the proceedings that they have manifested from the beginning of the case.

Mr. Weeks continued his cross-examination by asking Mr. Kinsley if he found that the handwriting of the persons was affected by environment.

His object was to discredit the writing that Molineux had done in the office of Mr. Kinsley at his dictation, or from copy furnished by him in a style demanded by him, as a genuine handwriting of the defendant. The importance of discrediting this handwriting as a genuine handwriting of the defendant lay in this,—that Mr. Kinsley had repeatedly testified that he had been unable to satisfy himself that Molineux was the man who wrote the Cornish and Barnet letters and the address on the poison package until after he had received these samples of handwriting written under the conditions stated. Mr. Kinsley admitted that environment did affect the handwriting of a person. Mr. Weeks followed up this answer with this question:

"If a person has before him a copy of a writing and here produces it, then it becomes nearer a drawing than a natural writing, does it not?"

"Yes, I might admit that," said Mr. Kinsley. "In this—it becomes a better writing. It differs from an unrestricted, rapid writing."

Next Mr. Weeks got from Mr. Kinsley the statement that in his opinion Molineux was a very rapid writer—somewhat nervous and jerky, but showing good, firm control of the hand and arm. He has a pronounced forward slant and the general appearance of his writing is that of the old school effeminate writing," said Mr. Kinsley. "I don't mean that his writing is altogether effeminate, for there is the business hand about it. It is not the writing of the society woman of to-day, for that is nothing more or less than picket fence writing, but there is throughout something of the old school effeminacy. He writes a flowing hand and a reaching hand. When it comes to the initial stroke there is a nervous jerkiness."

GALLAGHER LETTER OFFERED.

The chief fight of the day came over the admission of a letter which was written by Felix J. Gallagher. When the investigation of the handwriting was going on, Gallagher's handwriting was taken up. A copy of a letter written by Gallagher on request was produced by Mr. Osborne at the request of Mr. Weeks. Looked at from a little distance the similarity of the writing in this letter and the writing in the "Barnet" and "Cornish" letters was startling. As Mr. Kinsley would say, the pictorial similarity was simply astonishing, and it was not until one got hold of the letter itself and compared it, letter by letter, with the handwriting of the other letters, that essential characteristics were found missing. Even then, their absence would be detected only by an expert, or at least to one used to examining handwriting. There were many of the characteristics that Mr. Kinsley had said were most important in influencing his decision as to the writer of the "Barnet" and "Cornish" letters. One of these was the break between letters. Mr. Weeks was anxious to get this letter before the jury. Mr. Osborne was more anxious to keep it away from the jury. Mr. Osborne had said that he did not propose to permit the defence to make him "run Molineux against the field," and in the argument on the admission of this letter he stated that proposition in so many words. He insisted that he would consent to the admission of the letter on condition only that Mr. Weeks would say that he proposed to introduce evidence to prove that Gallagher was the murderer. He did not propose to let the defence belog the matter in any way; what he proposed doing if they wanted to get in any handwriting as evidence, was to force them to produce proof tending to show that the author of the handwriting and not Molineux was the writer of the address on the poison package.

Mr. Weeks said to the Recorder: "The District Attorney says in effect that we can only clear our client by making and sustaining a direct accusation that some other single individual committed the act of which we are accused. He would force us to find the man who did this thing. We submit that this is not proper; that we cannot be compelled to accuse any other person, and that it is not our province to prove who the individual was who committed this act."

NOT TO BE ADMITTED UNLESS GALLAGHER IS ACCUSED.

As has been the case in all important questions that have arisen so far the District Attorney won. His victory this time was not as complete as it had been heretofore. The Recorder would not admit the letter in evidence and would not allow it to be shown to the jury. He did admit it to be marked for identification, and told Mr. Weeks that if at any time he had evidence to offer that Gallagher was the man who wrote the address on the poison package he would admit the letter in evidence. Further, that while keeping the letter from the jury, he would permit Mr. Weeks to cross-examine the witness about the handwriting.

Mr. Weeks said that he could not properly cross-examine the witness without exhibition to the jury of the letter itself, and therefore he dropped the matter for the time being. The victory was a substantial one for the prosecution, because it prevented the defence forcing Mr. Osborne to "run Molineux against the field."

SAMPLES OF KINSLEY'S HANDWRITING.

Immediately after this fight was settled Mr. Weeks produced a piece of Mr. Kinsley's own handwriting and had him identify it. Then he had Mr. Kinsley do a lot of vertical writing, produced a package the size of the poison package and had Mr. Kinsley write the address on the package. These exhibits of Mr. Kinsley's handwriting were marked for identification. When Mr. Kinsley wrote the tables were cleared of books so that all the jury could have a chance to see him do it, and there was a craning of necks all over the room, and the question was joeously asked everywhere, "Is he going to say that Kinsley sent the poison?"

No use was made of these samples of Mr. Kinsley's handwriting, but after they had been completed Mr. Weeks took up again the piece of handwriting that Mr. Kinsley had admitted was his own, and got him around to the blackboard and made him take a lot of single letters from this piece of writing and draw them. There were "d's" and "r's" and a number of others. Mr. Kinsley had to draw each "r" that he found in the writing; each "d" and each "r" that he found in the letter, and each of the other often repeated letters. The result was more or less amusing, for the illustrations showed as wide a variety almost in Mr. Kinsley's handwriting as he had by illustration shown in the handwriting of Molineux, and there were some letters too that looked the picture of similar letters in Molineux's writing. There was one of his "r's" that, while he would not admit it, looked to a layman's eye just like the "r" on the poison package. All this was done amid a storm of objections by Mr. Osborne, who, invariably overruled by the Recorder, kept right on talking, and again and again was reprimanded by the Recorder for it. The favorite expression was "But, I pray your Honor." At last the Recorder said to him:

"Mr. District Attorney, the Court has ruled, and it is, therefore, improper for you to continue as you are going. Keep your prayers for some other temple."

Mr. Kinsley did not take away from the amusement of the crowd any by explaining at last that the specimen of handwriting that he had to illustrate from wasn't a good specimen because he had written it with his overcoat on in Mr. Carvalho's office.

MISTAKES KINSLEY HAS MADE.

At the afternoon session Mr. Kinsley admitted that he had testified in the case of the People against Mildred Brewster in Vermont, Mr. Weeks asked him: "In testifying in that case did you not identify a certain envelope and letter as being in the handwriting of the defendant?"

"I identified more than one," said Mr. Kinsley.

Q. Did you not use two envelopes and two letters as standards of comparison? A. I don't know; I don't remember.

Q. Mr. Kinsley, is it not a fact that you used two letters and that one of those letters was not in the handwriting of the defendant, as was subsequently shown? A. No, it is not a fact.

"Do you not know," demanded Mr. Weeks, "that upon that trial it was subsequently proven that one of the letters used as a standard of the handwriting of the prisoner was written by another person at a time when Mildred Brewster was in prison?"

Mr. Kinsley said that he didn't know it.

Q. Did you testify in the case of the People against Nason, in Brooklyn. A. Yes.

Q. Did you not in that case testify that a certain writing was in the hand of the defendant, and did you not say subsequently that you had made a mistake? A. Yes, sir, I did.

Q. The defendant was indicted on your testimony? A. Well, I can't say that.

The Recorder ruled that this question was improper.

Mr. Weeks asked Mr. Kinsley if he had not testified in the case of Coroner Coombs in Brooklyn, and Mr. Kinsley snapped back quickly that he had testified in that case, and that his testimony had been corroborated by others who knew Mr. Coombs's handwriting.

Q. Mr. Kinsley, was the case of Nason the only one in which you ever acknowledged that you were mistaken? A. It is the only mistake I ever had to acknowledge.

Q. Did any experts ever differ with you? A. Yes, several times; probably seven or eight.

Q. Did you in the Sigmund case, which was the first case that you testified in before a court without a jury, say in answer to a question as to whether or not a court had ever differed with you, "Juries have differed with me, but courts never, so far as I know?" A. Yes, sir, I said that.

Q. And do you consider that an honest answer, that being the first case in which you had testified before a court without a jury? A. It was a fact, and what other answer could I give.

Mr. Weeks finished his examination with a "Well, that's all, Mr. Kinsley."

Mr. Osborne jumped up immediately and began his redirect examination. He enabled Mr. Kinsley to explain that in the Nason case in Brooklyn he had based his first opinion on a single signature, that he had protested against deciding a case on such a sample of handwriting, but that that was the best he could get. Later, when he got five or six signatures, he found that he was mistaken and he himself called the attention of the District Attorney to it. Nason had been indicted, however, at this time.

Mr. Osborne had him tell how he came to consult Mr. Carvalho, the handwriting expert of the defence. Mr. Carvalho had said to him:

"If you find the man who used egg blue paper with three crescents intertwined you have got the murderer." And after this, with one or two questions by Mr. Weeks, Mr. Kinsley, who was just about entering his third week on the stand, retired for good.

EXPERT NO. 2 CALLED.

The District Attorney called "Mr. Toland." There was no answer. He called again. Messengers were sent hustling for him, but he did not appear, and then Mr. Osborne called John F. Tyrrell.

Mr. Tyrrell is a thin young man with a black moustache, a low voice and a positive manner. He told Mr. Osborne that he had lived in Milwaukee thirty-five years, and that he was an expert penman in the employ of the Northwestern Mutual Life Insurance Company. He began the study of handwriting fourteen years ago, and it was a part of his business to compare the signatures on assignments of life insurance policies that came to his company.

Mr. Weeks asked permission to examine Mr. Tyrrell as to his qualifications. His questions brought out the fact that Mr. Tyrrell's experience as an expert had been chiefly in the deciphering of disguised handwritings.

Q. How many experts did you have opposed to you in your first case? A. I had six bank cashiers and a Chicago expert.

Q. Who was the Chicago expert? A. Colonel Shaw.

Q. Who was the other expert you said you had opposed to you? A. Mr. Toland.

Q. The same who is to be an expert here? A. Yes, sir.

Q. And if you were right in that case, then he must have been wrong? A. Well, that's a matter of opinion.

Q. Any other expert ever oppose you? A. Yes, former Sheriff Van Voehten.

Q. And if the six bank cashiers and two writing teachers opposed you in another case that you have mentioned, and you were right, then they must have been wrong? A. "Well"—

A smile went around the court room, and Mr. Weeks said he had finished. The recorder decided that Mr. Tyrrell had qualified and Mr. Osborne began his direct examination. Mr. Tyrrell said that he had examined all the admitted handwriting of Molineux and all the "Barnet" and "Cornish" letters and the address on the poison package for one week in May and for the last two weeks. He had fully studied and felt sure that he absolutely knew the characteristics of Molineux's handwriting and the handwriting on the poison package. "In my opinion the same hand wrote them all," he said.

Q. Have you any doubt about it? A. None at all.

The case goes on this morning at half past ten.

SAY HOWE NEVER MARRIED.

Heirs of the Woman Now Contest Howe's Claim to Her Personal Estate.

Norman F. Howe who lives at 354 West Thirty-fifth street, after the death of Mrs. Howe last September, applied to Surrogate Fitzgerald for letters of administration of her personal estate, setting forth that he was her husband. The personality included $1,200 or $1,300 deposited in bank and the real property to about $20,000. Mrs. Howe had lived with him for twenty-eight years, the Surrogate granted the letters of administration, but before they were delivered grandchildren of Mrs. Howe came before the Surrogate with representations that Mr. and Mrs. Howe were not husband and wife, Mrs. Howe's husband being a resident of Canada where his wife deserted him forty-three years ago. Application was made for an order to show cause why the letters of administration should not be revoked and issue to the blood relatives of the decedent, and the Surrogate sent the matter to John Vincent, as referee, to determine the facts.

The papers in the lawyers' hands show that Mrs. Howe was married at St. Jean, Port Joli, P. Q., in 1846, to Dominique Verrault, and that she left Verrault in 1856, coming eventually to this country. In 1871 Mrs. Verrault and Mr. Howe, who was not then a merchant of this city, took up the relation of man and wife, and Mrs. Verrault was thenceforward known as Mrs. Howe. In 1872 Howe deeded to her the property at 354 West Thirty-fifth street. The ownership was not disturbed and the Howes lived in joint possession until Mrs. Howe's death. Mr. Howe still lives there. Mr. and Mrs. Verrault had two children, Mr. and Mrs. Howe had none. Dominique Verrault, Jr. died. Alphonse survives. His brother Dominique left four children, one of whom, Norman A. Verrault, lives now with his uncle, Alphonse Verrault, at 939 East 157th street in this city. The latter's father is still alive, his home being at St. Edwards, P. Q.

The records showing Verrault to be the husband of Mrs. Howe, and they two having had children, he would have a life tenancy in her estate. He has renounced his rights in favor of his son Alphonse who is aiding his brother's children to recover the inheritance which became their grandmother's through Mr. Howe's act.

POLICEMAN HUGHES ACCUSED.

Alleged That He Committed Perjury to Get on the Brooklyn Force.

Patrolman William Hughes of the Vernon avenue station, Brooklyn, has been summoned to appear before Magistrate Worth in the Gates avenue police court this morning, to answer to a charge of perjury, preferred against him by Samuel Morse, who lives in Atlantic avenue near Schenectady avenue. Recently, Hughes was in the vicinity of the Morse house and young George Morse remarked, "The cop is going to see Liz Daley." The patrolman arrested the boy on a charge of disorderly conduct and he was discharged by Magistrate Worth. Since then the Morse family have threatened to get square with Hughes, and it is alleged that he committed perjury to get on the police force. Lawyer Rufus L. Perry, who has charge of the case for the Morse family, said he had learned that Hughes swore to an affidavit before he was appointed on the police force that he had never been arrested or convicted of any crime, whereas he was convicted, Perry says, of larceny, and served a sentence of five months. Andrew Hughes of 70 Sumner avenue, a brother of Patrolman Hughes, says in an affidavit that the patrolman served a term of imprisonment, Mr. Perry says.

Goes to Jail to Join J. Percival Stewart.

Nicholas F. Carr, indicted with J. Percival Stewart and others for swindling, was arrested yesterday at the office of the American Ice Company at Twenty-fourth street and Seventh avenue. He protested that he was only an employee of the American Investors' Company and not an officer. Judge Cowing committed him to the Tombs in default of $10,000 bail.

Grand Jury Set Upon the Steerers.

Judge Cowing charged the General Sessions Grand Jury yesterday to investigate a complaint made by District Attorney Gardiner that runners and steerers in the Criminal Courts building swindle relatives and friends of prisoners, by pretending to be able to influence the Court. Judge Cowing said that if such a condition of affairs existed it was a crying evil and shame.

WHY SHE SHOT ROEHRICHT

OPENING SPEECH FOR DEFENCE IN MRS. FINGERHUTH'S TRIAL.

Lawyer Hetfield Says the Trouble Began When Her Husband Refused to Become the Hired Incendiary of the Murdered Man—Fingerhuth Takes the Stand.

SOMERVILLE, Dec. 19.—The State rested its case against Mrs. Henrietta Fingerhuth for the murder of Paul Roehricht, the wealthy New York jeweller at noon to-day. The witnesses who testified for the prosecution in Chief Justice Magie's court this morning did little more than corroborate the story of the shooting and the exciting incidents that preceded it, as told by Lawyer Robert Clark yesterday.

In the opening for the defence Lawyer Walter G. Hetfield stated that the defence would prove that the trouble between Roehricht and Fingerhuth arose when the latter steadfastly refused to act as Roehricht's hired incendiary in burning down the old farmhouse in which he lived. Lawyer Hetfield said that the relations between Fingerhuth and Roehricht were unusually pleasant, when one day Roehricht asked Fingerhuth if he had his household effects insured. When Fingerhuth replied in the negative, Roehricht, the lawyer said, ordered him to have his furniture insured, saying he would pay for the insurance. Roehricht, the laywer continued, said that he had just placed a heavy insurance on the old farmhouse, and with Fingerhuth's household goods insured there was no reason why Fingerhuth should not set a match to the pile and they would both come out ahead. Fingerhuth told Roehricht that he dared not do it, but Roehricht still tried to persuade him and finally gave him a week to think the matter over. At the expiration of the week, the lawyer said, Roehricht again called, but Fingerhuth still refused to carry out the plot. Roehricht left him then and he did not see him again, but a few weeks later Fingeruth received notice of his discharge.

Lawyer Hetfield also stated that the defence would prove by Mrs. Clemins, who was in the house with Mrs. Fingerhuth at the time of the shooting, that a reign of terror existed within and that Mrs. Fingerhuth was frantic with fear and that Mrs. Clemins herself was so terrorized by the threats and noise made by the armed force outside that she beseeched them to let her out and fled with her children to the road; also that Lawyer Robert Clark forced open a door and, pointing a revolver at her, threatened to shoot her if she did not get out; also that Edward Clark was threatening the woman from a side window and that a force of men were attempting to batter the front door down with a timber. It was under these conditions, he said, that Mrs. Fingerhuth became frantic and fired her revolver haphazard for the purpose of frightening off her tormentors. She had no intent of taking a human life, the lawyer said. The first witness for the defence was Theodore Fingerhuth, the woman's husband. Fingerhuth cannot speak English, and the Rev. F. Kochilli, of the Fourth Dutch Reformed Church, acted as interpreter. Fingerhuth denied the testimony of Robert Clark about serving the notices to quit the premises. He swore that he first saw Clark the day before the shooting, when he confronted him in a field near his house in company with Supt. Demborski and Constable Bartlet, who said they had come to put him off the place. Hot words ensued, which were followed by a struggle in which Mrs. Fingerhuth and her son came to his assistance. Mrs. Fingerhuth let the big dog loose and Clark pointed a revolver at her, he said. Soon after he and his son were arrested on the charge of trespass. The case will go on to-morrow.

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do. Cafe de Bordeaux, 454-456 6th av.....Alc.
Hotel Huugaria, Tdh. Lunch, 12 to 3 P.M., 50c.
4 Union Sq. East, Tdh. D. 5 to 8:30, 75c. (wine, $1)
Healy's New Rest..66th st. & Col. av. Alc. (Music)
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The Hungarian Rest. Celebrated Hungarian
2d av. and 10th st. Gypsy Band.
Hann's Restaurant, 75th st. & Columbus av. Alc.
Marsh's, 104 W. 34 (B. & L. Tdh.) Din. & S. Alc. Music
Cabaret du Chat Noir, 32 W. 26, Tdh. Alc. (Music)
Belvedere, 18th st. & 4th av. Alc. Tdh. lch, 50c. din. $1
Schmitt's Rest., 78th st. & Col. av. Alc. Tdh., $1, wine
Luchow's German Restaurant, 110 East 14th st.
Au Chat Noir, 551 W. B'way, Alc. Tdh. 50c. wine
Jacobs'.....52 & 54 West 24th st. Alc. & Tdh., 55c.
Marty's.....47 W. 24th st., Tdh., 65c.
N. Y. Hotel, 42d st. opp. depot. Tdh. 50c., wine, music
"The Eyrie," 2324 flour. 156 Nassau. Alc. op. 8 to 8
Delmonico's Rest.....58th st. & 8th av., Alc.
Hotel Metropole, Alc. Tdh. 6 to 9; $1.00. Music.
Ardin, 125 W. 24th st. Select French Tdh., with wine, 50c.
"The Abbey," 198th st. & Ft. Washington road, Alc.
Troger's.....15th st., opp. Speedway, Alc.
Rector's.....Broadway and 44th st., Alc.
Stephan's, 105 W. 28th, Tdh. Lch. 40c. Din. 50c, wine
Gonfarone's, 8th st. bet. 5th & 6th avs. Tdh. 50c. wine
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Under the Direction of Mr. MAURICE GRAU.
SPECIAL ANNOUNCEMENT.
M. Salera is still suffering from a severe cold and will be unable to sing to-night. M. Alvarez has kindly consented to sing the role of Don Jose.
To-night, at 8, Bizet's opera, CARMEN. Mmes. Calve and Emma Eames; MM. Alvarez and Plancon. Conductor, Sig. Mancinelli.
Friday Evening, Dec. 22, at 8, Wagner's opera, TANNHAUSER (in German). Mmes. Ternina, Olitzka and Nordica; MM. Van Dyck, Bertram (debut) and Plancon. Conductor, Mr. Emil Paur.
Sat. Mat., Dec. 23, at 2, Gounod's opera, FAUST (in French). Mmes. Calve and Mantelli; MM. Alvarez, Campanari and Ed de Reszke. Conductor, Sig. Mancinelli.
Sat. Evg., Dec. 23, at 8, at Popular Prices, Wagner's opera, LOHENGRIN (in German). Mmes. Susan Strong and Schumann-Heink; MM. Dippel, Muhlmann, Meux and Pringle. Conductor, Mr. Emil Paur.
Prices for Saturday Nights—$2.50, $1.50, 75c. and 50c. Boxes, $10, $15 and $30.
Sun. Evg., Dec. 24, Grand Sunday Night Concert. Soloists:—Mmes. Suzanne Adams and Schumann-Heink, M. Plancon, together with Met. Op. House Orchestra. Conductor, Mr. Paur.
Seats at BOX OFFICE, and at BOX OFFICE RATES at Tyson's, principal hotels, and Bullman's, 111 Broadway.
REPERTORY FOR NEXT WEEK:
Mon. Evg., Dec. 25, at 8, Rossini's opera, IL BARBIERE DI SIVIGLIA. Mme. Sembrich; MM. Ed de Reszke, Campanari, Pinkert and Salignac. Conductor, Sig. Mancinelli.
Wed. Evg., Dec. 27, at 8, Mozart's opera, DON GIOVANNI. Mmes.