IDENTIFIERS OF MOLINEUX

BOUGHT A MARKET WITH NEWSPAPERS, NOT POLICE.

Koch Made Two Sales, Heckman None—He Swears Flatly That He Has Known Molineux by Sight Five Years, and That Molineux Is the "H. C. Barnet" Who Hired a Letter Box From Him and Wrote for Patent Medicines—Nobody Would Buy This Identification—Talk of Somebody Who Wanted to Bribe the Witness Not to Testify but Couldn't.

The market for evidence against Molineux was the feature of yesterday's session in his trial for the poisoning of Mrs. Adams. Several newspapers have from time to time been mentioned as the payers of large sums of money to persons who have afterward become witnesses in the case. But the extent to which they have gone was not known until yesterday, when it came out that one witness at least was actually waiting for his pay until he had made good the story he had told by swearing to it on the witness stand. He did not put it in those words. He said that the paper had avoided paying him so that there would be no possibility of his testimony in the case being influenced.

The entire day was taken up with the examination of two men who used to conduct private letter box establishments, and who both confessed to transactions with newspapers involving the payment for their information in one case before even the police were let into the facts. Joseph J. Koch and Nicholas Heckman were the men. They got along smoothly on their direct examination. When their cross-examination had been finished such impressions were left on the minds of all who heard them that their testimony was the only topic talked about, and it is not unfair to say that it was the testimony itself and not the possible effect on the trial of Molineux that was the subject discussed.

Koch was the man who had the letter boxes at 1620 Broadway, where a letter box was hired in the name of H. Cornish. His testimony was therefore directly connected with the trial of Molineux for the murder of Mrs. Adams, for the poison, a dose of which killed her, was sent to H. S. Cornish through the mails. Heckman owned letter boxes at 257 West Forty-second street, and it was at his place, six months before the Cornish incident, that a box was rented in the name of H. C. Barnet. So his testimony was not directly connected with the Adams case but with the Barnet case. Where Koch had refused to identify Molineux as the man who rented the private letter box in the name of H. Cornish, Heckman positively identified Molineux as the man who had rented a box at his place in the name of H. C. Barnet. Heckman confessed that after he had become convinced that Molineux was the man he had kept the information from the police until at last his conscience troubled him so much that he could hold it no longer. He constantly saw before him the face of Molineux and he had to tell. He drew delightful pictures of Capt. McClusky, the head of the Detective Bureau, of Detective Sergeant McCafferty and other gentlemen connected with that Bureau as they stood around him when he said that he must tell, and urged:

"Now, don't, don't say a word, unless you are absolutely certain. Think what an awful charge you are going to make against this poor man. You are a man of family, you know the meaning of such an awful charge as you are going to make; now don't do it unless you are absolutely certain."

Heckman, after drawing this picture, explained how the face of Molineux came again and his conscience got a firm grip on him, and he told. The picture was so in keeping with the customary methods of the police that one could almost see the scene before him.

Heckman's condition at the end of his cross-examination, however, was such that the Recorder deemed it incumbent on himself to pull things together, and in a few short sentences he impressed upon Heckman the same things that Heckman testified the police had impressed on him, the solemnity of the occasion, his wife and family, the horrible position of the prisoner, the awful fate that possibly awaited him, if Heckman's testimony was true. The Recorder summed up with the question whether or not there was any doubt on earth in Heckman's mind as to the truth of the testimony he had given, that Molineux was the man who hired the box. Heckman said with considerable coolness that there was not, and then he was dismissed from the stand.

KOCH'S DESCRIPTION OF "H. CORNISH."

Joseph J. Koch finished his direct examination on Tuesday. His testimony was that while Molineux was not the man who hired the box in the name of H. Cornish, Molineux had visited his place of business a week before and had inquired about letter boxes. Koch also swore on his direct examination that he had sent a circular to Molineux advertising the private letter-box business. This testimony was given to show that Molineux had a knowledge of the private letter-box establishment at 1620 Broadway. Koch suggested a possible accomplice in the person of the man who had hired the box in the name of Molineux. After going over some of his less important testimony Mr. Weeks came to this possible accomplice, and he asked: "Did you give the police a description of this man?"

"I did," said Koch.

Q. Did you say he was a man five feet nine or ten, of athletic build? A. Yes, that was it.

Q. Broad shouldered, black or dark brown mustache? A. I said brown mustache.

Q. Slightly curly at the end? A. Yes.

Q. With a determined expression of countenance? A. Yes.

Q. He wore an alpine hat, black band and a tan coat? A. Yes, that was it.

Q. Do you remember calling at my office? A. Yes. I went first to Police Headquarters on Jan. 16, 1899, from my place of business; it was about 11 o'clock in the morning. I had discovered mail matter on the Saturday previous. I did not find the police in and I came down to your office.

TOLD WEEKS—WAS REFERRED TO THE POLICE.

Koch said that when he went to Mr. Weeks's office he sent in the name of Smith or something; he did not remember just what. Mr. Weeks showed him a slip of paper with the name "Hamilton" on it, and Koch said yes that was the name he gave. He said that the first thing said inside was to ask him his name, and he said: "I gave it to you."

"And what did I do?" asked Mr. Weeks.

"I remember," said Koch, "that you went directly to the telephone and called up Capt. McClusky and also Mr. Molineux." Mr. Weeks asked him if it was not a fact that when he (Weeks) had heard Koch's story he told Koch it was his duty to go at once to Capt. McClusky's office and wait there until he saw the head of the Detective Bureau. Koch did not remember that exact conversation.

On the occasion of this visit Koch told Weeks about the man who rented the box in the name of Cornish. He did not say anything about Molineux having called on him the week previous.

LOOKED SOMETHING LIKE THE REAL CORNISH.

Q. Now, Koch, did you on that occasion look at any photographs in my office? A. I don't think you had any photographs on that occasion. I did look at some newspaper cuts or pictures of people.

Q. Was there any one which you said resembled the person who had taken the box? A. As to moustache, yes.

Q. Who was that person?

"I object," shouted Mr. Osborne, and the Recorder sustained him.

Q. Did you subsequently see that person? A. Yes, sir.

Q. Did his moustache resemble the moustache of the man who hired the box? A. The moustache in the picture did.

Q. Was the person you afterward saw the person whose picture you have seen? A. It was, but the published portrait of the party was not exact.

Q. Did you ever say the person who hired the box was a person of the size and general appearance of Mr. Cornish? A. With one exception.

Q. And that exception? A. The exception was that I did not think that Cornish could fix his moustache in the way that the moustache of that man was fixed.

Q. In general appearance was that man the same? A. I did not say positively.

Q. Well, what did you say? A. I said that in height and breadth of shoulder he was the same.

Q. Do you remember inquiring if Cornish wore a white alpine hat? A. I remember you assuring me that he did wear a hat like that, and subsequently you pointed out to me Cornish and Sullivan in the Madison Square Garden with such a hat.

Q. And subsequently did you see Cornish wearing a tan coat? A. Yes, a sack coat.

Q. In what respect was the mustache different? A. The upper lip was shown white in the middle and the mustache was curled at the ends.

Cornish was sitting in the enclosure in the court room near the reporters' table and every eye was trained on him.

Q. Was the mustache long or short? A. Short.

"H. CORNISH" WAS OF DARK COMPLEXION.

Mr. Weeks now went to the subject of the first caller at the private letter establishment whom Koch had identified as Molineux, and in a moment, to the relief of Mr. Cornish, the eyes were turned from him to the prisoner.

Q. Did you give a description of that person to Capt. McClusky? A. Yes, sir.

Q. Was that description accurate? A. I described him accurately; yes.

Mr. Weeks picked up a piece of paper from the desk in front of him.

Q. You said he was dark complexioned? A. Yes.

Q. That he looked like a foreigner? A. No, sir, I did not use that word.

Q. What other description did you give? A. That he was a man with neither side boards nor mustache.

Q. And wore rimless eye glasses, and a dark-goods sack suit, silk or satin faced, double-breasted, also that he carried gloves in his left hand and you thought his thumb was caught in his pocket? A. Yes, sir. I gave that description.

Except for the dark complexion the description might have fitted Molineux or any body about his size. Molineux does not wear eye glasses, and his complexion is very white.

Q. You say you gave this description to McClusky at his office in the detective bureau? A. Yes, sir.

Q. Was any one present beside you and McClusky? A. There may have been a detective there taking notes.

Q. Did you give any description as to size? A. I believe I told him he was about my size.

Koch is a very fat man and Molineux is lean. He corrected himself and said, "I mean about my height."

Q. Did you tell McClusky anything else? A. I told him the man wore a black derby hat.

Q. Any other description of him? A. Yes, as to features, that they appeared to me to be sharp, the nose inclined up and the chin protruded.

Q. You went into all these details to McClusky? A. Yes, sir.

Q. How are you so positive about the week this man called? A. Well, I know that he was the last man who called before the man who hired the box in the name of H. Cornish.

Mr. Weeks went into the visit of this man to Koch's office in great detail, the idea being to show that Koch had a remarkable memory. He even remembered the sort of weather there was that day. There were two other persons in his office at that time, a young woman and a boy who were employed by him. When the lawyer pressed him for information about them he exclaimed that the only name he knew the girl by was "Maggie," and that she had gone out West some where and got married, and the only name he knew the boy by was "Bo," and he disappeared long ago.

Koch had been very positive in his statement about sending to Molineux the circular advertising the private letter box business. When the defendant's lawyer took up this subject again he swore up-hill and down that there could not possibly be any mistake, but just previous to so swearing, he confessed that he never remembered having written the name of Molineux before the Coroner's inquest. The circular was said to have been sent in July, 1898.

Q. Subsequent to Jan. 1, when was the first time that you saw this defendant? A. At the inquest, Feb. 27, 1899.

Q. Where was he when you first saw him? A. I saw him when I stepped off the stand.

Q. Before that time you had not seen him at all? A. No.

Q. But you had seen pictures of him in the paper? A. Yes.

Q. Were they accurate reproductions of his features? A. I had not seen him at that time and I could not say.

Q. You saw a photograph of this defendant sometime in February. A. Yes.

KEPT MOLINEUX'S ALLEGED VISIT SECRET NINE MONTHS.

Q. Did you say anything at that time about having seen him at your place? A. No.

Q. You did not? A. I was asked if he was the man who had come to make arrangements for the box on Dec. 21, and I said he was not.

Q. At the Coroner's inquest did you say anything to the defendant? A. I did not.

Q. After that did you go to McClusky again? A. No, sir.

Q. Did you go to any one and tell him you recognized the defendant? A. I did not, because I was not positive.

Q. When did you see him again. A. July 21, in Judge Blanchard's court.

Q. During all that time did you do anything to make yourself positive as to identification? A. I did not.

THEN TOOK THE STORY TO A NEWSPAPER.

Q. Whom did you see after that to talk about it? A. Well, some time in September. I spoke to Mr. Russell of the *Journal*.

Q. Before you saw the defendant in Judge Blanchard's court in July had you made up your mind that he was the man who called on you? A. I had not made up my mind fully.

Q. Before you saw the defendant in Judge Blanchard's court had you told anybody that you thought he was the man? A. Yes.

Q. Who? A. You, some time in May.

Q. And when you told me, what did I say? A. I think you said "Impossible, impossible."

Q. You remember also saying to me that the man you saw was of dark complexion and looked like a foreigner? A. Yes, as to complexion, but not as to foreigner.

NOT SO SURE ABOUT THAT CIRCULAR.

The lawyer dropped this line for a few moments and went back at the witness about the statement that he had sent the circular advertising his letter-box business to Molineux. This time he began with the question: "Did you ever address an envelope to the defendant in your life?" Koch said: "No, sir."

Q. Did you ever mail a letter to him? A. I saw a letter that was mailed to him.

Q. Did you ever mail a letter to him? A. I cannot swear to it.

Q. Can you swear that you ever saw an envelope addressed to him? A. Yes.

Q. Have you the actual recollection of it? A. Well, that is so long ago, I really cannot say exactly.

Koch confessed that he was sure that a letter advertising his business had gone to Molineux because it was his custom to send advertisements to all persons whose names he had, and that was all the knowledge that he had about it. A copy of the letter which he had received from one of Molineux's clerks asking for a sample copy of a magazine was shown to him. There was a memorandum on the corner of it saying "Sample sent."

Q. Is that memorandum in your handwriting? A. I don't know.

Q. Aren't you able to identify your own handwriting? A. I'm not a handwriting expert.

A laugh went around the courtroom.

Q. Aren't you able to identify your own handwriting? A. Well, I cannot say positively whether it is mine or not; it resembles mine to some degree.

Q. When did you first see that letter that you have in your hand? A. I think about Nov. 15 last year.

Q. Have you any recollection of ever having seen it before the 1st of January, 1899? A. No, I haven't.

Q. Now, Mr. Koch, you say you got $500 from the *New York Journal* for your first story? A. Yes, sir.

Q. And you had an agreement with the *World* to get $250 for another story? A. Yes, sir.

TRIED THE DEFENDANT'S ATTORNEY FIRST.

Q. In connection with this second story you made an affidavit, did you not? A. Yes, sir.

Q. Was that affidavit true when you made it? A. Yes, sir, except as to a date. I was asked a question off hand, and I said that I told you in August.

Q. Then you are satisfied now that you were wrong about that? A. Yes.

Q. At this date that you mentioned you say you told me that the defendant was the man who called on you? A. I told you, yes, sir.

Q. Will you please tell me, Mr. Koch, why you gave this information to the defendant's attorney before you gave it to the police authorities? A. I have not withheld any information from you at any time.

Q. Please answer my question. Why did you go to the defendant's attorney instead of to the police? (No answer.)

Q. You knew the defendant was under arrest? A. Yes.

THEN THE NEWSPAPERS.

Q. And the next statement that you made to the effect that the defendant had called at your place was made to a reporter? A. Yes, sir; to Mr. Russell of the *Journal*, but I did not give the name of the defendant.

Q. And you made the statement next to the *World*? A. I made a statement to the *World* man.

Q. You went from the *Journal* to the *World*, did you? A. I went to the *Journal* office to see Mr. Russell, the city editor. The assistant city editor told me he was away, but that if I had anything to communicate to the office to let them know, and I did communicate with them in September.

Q. Did you go to any other papers with your merchandise? A. No.

Q. Why did you go to those papers? A. Well, both the *World* and *Journal* were in the market for exclusive news.

Q. What price did you put on your story when you went to the *Journal*? A. I asked them to fix the price.

Q. Didn't fix a price, eh? A. Yes, I asked them the same price that I had for the other story, $500.

Q. And they wouldn't pay it? A. Mr. Russell asked me to hold it over for a few days until he had a chance to communicate with Mr. Hearst.

Q. And they wouldn't give you the price? A. No.

Q. Then you went to the *World*? A. I did not.

Q. Well, what did you do? A. Well, I let the matter rest until last November.

LETTER TO GEN. MOLINEUX HE DISOWNS.

Koch was fidgeting a little in his chair, and Lawyer Weeks reached over and picked up a typewritten anonymous letter. Looking squarely at Koch he said:

Q. Did you have anything to do with sending a letter to Gen. Molineux? A. To Gen. Molineux?

Q. Yes, regarding the possibility of suppressing certain information. Have you got a typewriter, by the way? A. Yes, sir.

Q. What kind of a ribbon do you use? A. A purple ribbon. We have always used a purple ribbon.

The letter which Mr. Weeks held in his hand was written in green. Mr. Weeks handed up the letter. He said: "Now I show you this letter and ask you if you sent this or had anything to do with sending it?" Koch looked at it and then said: "I had nothing to do with sending such a letter. I did not know that any such letter had been sent. I did not send any story about letter-box matter being suppressed by letter-box men.

Q. And you didn't send this? A. I never saw that, sir, and have no connection with it; I don't know the least thing about it.

This last was all under the strenuous objections of Mr. Osborne and the declarations of the Recorder that Mr. Weeks was acting in a grossly improper and unprofessional manner. Mr. Weeks had the letter marked for identification; the Recorder asked to see it and then said pointedly: "The communication appears to be anonymous."

Q. Who was the next person with whom you communicated about this visitor? A. I went to see the *Journal* again, I think on Nov. 6.

Q. You had not gone to the police authorities, had you? A. No, sir.

Q. Were you able to sell the story to the *Journal* this time? A. I was able to sell it if I would take their price.

Q. What was the price they offered? A. Something in the neighborhood of $200.

Q. Up to that time you had not notified the police? A. No, sir.

Q. Well, where next did you go offering your merchandise for sale? A. I went to the *World*, and saw Mr. Burton, the city editor, and I made arrangements with him.

NOT TO BE PAID UNTIL AFTER TESTIFYING.

Q. What were you to get? A. $250.

Q. When? A. After publication.

Q. How long after publication? A. Well—that was not very definitely settled.

Q. It was published, and after that the payment was put off? A. Yes, it was put off.

Q. Until when? A. A long pause. The witness moved around in his chair and looked at the ceiling. Until my appearance here on the witness stand.

"In other words," thundered Mr. Weeks, "you were not to receive that money until after you had come here and sworn to the truth of the things that you then made affidavit to?"

There was another long pause. Mr. Koch did not look comfortable. Finally he said: "Well, you see, they did not want to influence my testimony in this case in the least; did not want to appear to do it."

"Your agreement stipulated that you were not to be paid until after you had gone on the witness stand?"

There was another pause, and Koch finally said: "Yes, sir."

Q. To whom did you deliver this letter and information? A. To Mr. Burton.

Q. And it was published on the 13th of November? A. Yes, sir.

Q. And then did you go to the police or the District Attorney? A. Yes, sir; I saw Mr. Osborne.

Q. Before you made the affidavit that you signed? A. It was while the affidavit was being prepared. I believe one of the reporters called Mr. Osborne up on the telephone.

Q. In that interview that I had with you something was said about the green-goods business, wasn't there? A. Yes. We talked about the private letter-box business and its being used by green-goods men, and you intimated to me, Mr. Weeks, that I was in that business, and I told you that it wasn't true.

Q. And as a result of this interview with me you told this story about the defendant? A. No, sir, I did not.

Then, question by question, Mr. Weeks brought out the fact that Koch had gone first to the counsel of the defendant, next to a newspaper, each of those having refused to buy his story. Then Gen. Molineux received a letter. A month after that Koch went to a newspaper again, then to another newspaper. All this time, though his information was of vital importance to the authorities, he let no one know about it until after he had got his promise of cash, and then he visited the authorities after a reporter had called up Mr. Osborne on the telephone.

That finished Koch's cross-examination. A final question to Koch was whether he expected to be paid by the *World*, and he said that he did not know but his money was waiting for him there now: that he had not called for it.

On re-direct examination Mr. Osborne brought out the statement from Koch that he considered all the information he had in the case his private property, and that when he had told the police anything he pledged them to secrecy and got the promise from them that they would give him the benefit.

HECKMAN SWEARS MOLINEUX'S AN OLD CUSTOMER.

Koch was followed on the stand by Nicholas A. Heckman. Heckman sat in the witness chair looking north at the corner of one window, and away from the direction in which the defendant was sitting. During his examination, which took all the rest of the day, there seemed to be something in that corner that interested him very much. It was only now and then that he looked elsewhere. He testified that he kept a letter-box establishment; that he had lived in New York forty years and in Long Island City sixteen months.

Young Molineux had been intensely interested in Koch's examination, and he was just as much so in that of Heckman. Now and then he would talk to his father, Gen. Molineux, or his counsel, George Gordon Battle, but most of the time he was leaning forward, his eyes on the witness and his elbows on the table.

Q. Do you know this defendant. A. Yes, sir.

Q. How long have you known him? A. Five years.

Q. Have you seen him often; how many times have you seen him? A. About one hundred and fifty times.

Q. Your place is near Jimmie Wakely's, isn't it? A. Yes, one of my places is.

Q. Wakely's is a saloon, isn't it; a place that has been known to keep open all night on occasions? A. Yes, sir. The Recorder looking very severe indeed.

Q. Did you ever see this defendant in your place? A. Yes, sir.

The answer was expected by everybody who had followed the case because Heckman had made it before. But there was a little gasp in the court room when it came so suddenly.

Q. Can you state when? A. May 22, 1898, at five or ten minutes past 6 o'clock. He came to my place and asked me if I had boxes to rent. I said "Yes," and he asked me the price. I told him fifty cents a month, and he hired one and I gave him a slip. I put down on the book "H. C. Barnet," and said to him, "with two 'rs?" and he said "make it one 'r, if you please." And I wrote it out and gave it one 'r.

Q. And that man was this defendant? A. Yes, sir.

Molineux did not change color in any way, but he looked the witness straight in the eye and very steadily.

Q. Have you got the card you wrote in your book? A. Yes, sir.

Q. You say he called at five or ten minutes past 6; was that the time he usually came? A. Yes, sir.

SAW MOLINEUX MAKE A LETTER THERE.

Q. Now, Heckman, at the time that he made this agreement with you and rented the box for one month, did you see him do anything there? A. Yes, sir. There is a desk where my customers write advertisements right near the window. He turned to that and took an envelope out of his pocket and made some correction in his correspondence.

Mr. Osborne called for Exhibit E, which was the letter signed "H. C. Barnet" addressed to the Cameron Medical Company asking for a remedy. The first figure of the address in this letter after the "H. C. Barnet" had been changed; it had pen scratches over it. The letter was shown to the jury.

Q. Heckman, you told me about that scratching before you saw the letter, didn't you?

The Recorder would not permit the question.

SAYS MOLINEUX GOT PATENT MEDICINES THERE.

Q. Mr. Heckman, did the defendant come often to your place after that? A. Yes, he came about twenty times.

Q. Did you deliver any mail to him; if so, what was the general nature of it? A. The articles that came to him were mostly patent medicine. I remember two boxes about as big around as silver dollars, and about so high (measuring an inch with his fingers).

Heckman was quite sure that one of these was marked with the advertisement of the patent medicine concern a dose of whose medicine it is alleged Barnet took.

Q. Are you not positive about that? A. Yes, I am positive.

When the proprietor of this patent medicine was on the stand he swore that his powder had never been sent out in round boxes. The valet of H. C. Barnet when he was on the stand swore that the box from which Barnet took a dose was a round box like the box described by Heckman. The prosecution discredited this testimony and Dr. Douglas when he was on the stand swore that the box he found was a regular square sample box such as the patent medicine was usually put up in. He identified one of the boxes and it was that box that had been taken to Prof. Witthaus, and it was the contents of the box that Prof. Witthaus had analyzed. That box don't come anywhere near answering the description of the box that Heckman swore had the advertisement of the concern on it, or the description of the box from which Barnet took a dose, according to his valet.

SAYS HE FOUND PILLS IN "BARNET'S" MAIL.

Q. Did this man call for all his mail? A. No, he did not.

Here Mr. Osborne produced two boxes without any wrappers or any address, containing pills. It came out that when "H. C. Barnet" stopped coming for mail Heckman waited two or three months, and then what mail there was left he opened just to see what was in it. He swore that these two boxes were two of the boxes that he had opened. He said he had a druggist friend of his analyze one of the pills.

This seemed to strike the head juryman, and he wanted to know what business Heckman had opening mail addressed to somebody else. Heckman said that he merely wanted to see what was in the packages. Later he said that he had offered to send the mail back to the Post Office, but the letter carriers had told him to destroy it.

TOLD THIS TO A NEWSPAPER FIRST.

Q. Now, Heckman, when was the first time that you concluded that Molineux was positively the man who hired this box? A. On Tuesday afternoon, Jan. 31, 1899.

Q. You were with Mr. Buchignani of the *World*? A. Yes, sir.

Q. What took place? A. Well, it was out in Newark at Molineux's factory. Buchignani went up and asked if he could see Molineux. The young man wanted to know what business. Buchignani said, "I am from the Post Office." Molineux came out then and asked Buchignani what he wanted and Buchignani said: "I'm from the *New York World*," and he turned to me and said "This is Mr. Heckman," and Molineux looked at me and almost fainted away.

"Strike it out," said all the legal talent, including the Recorder.

Q. Well, he became agitated, didn't he? A. Yes.

Q. Go on; what did he do then? A. Then he turned to Buchignani and said to him: "I don't care to have any dealings with any newspaper men whatever. I should be pleased to speak to Mr. Heckman at any time that he wishes to see me."

Q. Previous to that time had you given anything to any newspaper? A. No, sir.

Heckman's declaration that Molineux had "almost fainted" when he saw him aroused the ire of that young man apparently. His usual pale face became very red, and he looked daggers at the witness. Capt. McClusky was sitting between him and the witness and it was necessary for Molineux to hold his head very high to look into Heckman's eyes. Heckman went on and said that the first he knew of the case at all was on Jan. 26 when several newspaper men came to his office and wanted information about his customer, H. C. Barnet. He said he described the man to them; that shortly after that McCafferty came and he described the man to McCafferty, and gave to the detective the letters and the mail which had been lying around his office after he had opened them. Mr. Osborne closed his direct examination with the question:

"Well, after this you went to see Mr. Nelson Hirsch of the *World*?" A. I did.

SAW MOLINEUX 150 TIMES BEFORE EVER SPEAKING TO HIM.

Mr. Weeks opened his cross-examination with Heckman's birth and carried him along in his various occupations to the days when he got into the case.

Q. Were you ever married to Amy Marie Webber? A. No, sir.

Q. (Solemnly) Are you sure? A. (Savagely) I am, sir.

He had been employed in the money order department of the Post Office and had been suspended, and had been a conductor on two street railways and had been discharged.

Q. You say you have known this defendant for five years about. How many times had you seen him prior to May, 1898, when you say you rented the letter box? A. About one hundred and fifty times.

Q. Did you ever speak to him before? A. No, sir.

Q. Did you ever speak to anybody who knew him, or whom you saw talking with him? A. No, sir.

Q. When you say you know him what do you mean? A. I have seen him.

Q. When he came to your place on the 27th of May, 1898, did you recognize him at once? A. Yes, at once.

Q. When was the last time you saw the defendant in your place? A. June 20, 1898.

Q. You are as sure of that date as that he came twenty times? A. Well, it was not earlier than the 19th.

Q. Was there any change in his appearance from the first time you saw him. A. No, sir.

DESCRIBED HIM FIRST AS SANDY-HAIRED AND MUSTACHED.

Q. You spoke about seeing reporters on the 26th. Did you see a *Herald* reporter, and did you give him a description of your customer who went under the name of "Barnet?" A. Yes, sir.

Q. Did you say he had a reddish mustache? (No answer.)

Q. Rather heavy and curled up at the ends? (An assenting nod.)

Q. Did you say that his hair was of a lighter tinge of red than his mustache? A. That is right.

Molineux has very dark brown hair, almost black.

Q. What color did you say the mustache was? A. I said it was sandy.

Q. And hair lighter than the sandy mustache, eh? A. Yes, sir.

MONEY FROM POLICE AND "WORLD" BOTH.

Q. Now, Heckman, when was the first time you received money from anybody in this case? A. Friday, Jan. 27, Detective Carey gave me $10 at the Gilsey House. I told him that I didn't want it, but he told me that it was city money and that the Captain told him to give it to me, and when I said I did not want it he told me to take it anyway.

Q. And when was the next time you got money? A. The Tuesday following, from the *New York World*.

Q. Before or after you went to Newark? A. Before.

DIDN'T RECOGNIZE MOLINEUX AT FIRST SIGHT.

Here Mr. Weeks dropped the money question and took up Heckman's famous failure to identify Molineux at the Sinclair House in Broadway. This occurred on the 29th of January, when all the newspapers were looking for the murderer along with the police. At the request of the police Molineux and his counsel went to the Sinclair House, and at the request of Detective McCafferty Heckman went there. It was Heckman's part to point out the man who had hired a box as "H. C. Barnet." He didn't do it. Mr. Weeks got out of him the fact that he had sat in the lobby for two hours; that he went out and came in again, and on his second visit walked twice by Molineux and the lawyers and failed to identify Molineux, although McCafferty had told him that he was to go there and identify Molineux. As an excuse for his failure to identify him Heckman said that he did not get a good look at the defendant.

Q. On that Sunday night did you have a talk with Buchignani? A. Yes.

Q. At that time were you in the employ of any one in connection with this case? A. I was in the employ of the *World*.

Q. At what price? A. $15 a day.

Q. You were to keep in with the Police Department and report to the *World*, were you? A. Yes, sir.

Q. Did you get paid for your time? A. the *World* paid me only one $15.

Q. What were you to get from them? A. I was to get either $350 or $15 a day.

Q. And after you say you made this identification in Newark they offered you $350? A. I told them that was not enough.

Q. Did you have any reference except it? A. They said they would give me $15 a day and $350 if I could identify him.

Q. Before that time you had seen Molineux's photographs, had you not? A. Yes, that gentleman from the *Journal*, Mr. Piper, was there that afternoon and showed them to me.

Q. Did you tell Piper that you thought he was the man? A. No, sir.

Q. Didn't the reporters of the *World* and the *Herald* show you photographs of Molineux? A. Yes.

Q. Didn't Livingston of the *Herald* show you a photograph? A. No, he did not.

WANTED $1,000 FOR THE IDENTIFICATION AT NEWARK.

Heckman then explained that he and Buchignani went to Newark on the 8 o'clock train. They had lunch together in Newark and then went to the factory.

Q. What name did Buchignani give? A. E. C. Buck.

Q. How was the defendant dressed? A. He wore a cap and vest and trousers; he was in his shirt sleeves.

Heckman repeated the conversation that he had with Molineux and was then asked what occurred between him and Buchignani on their way back. He said:

"As I came out of the building I said, 'That's "H. C. Barnet" all right.' Coming back to New York on the train I said that I would not make the identification for $350. I said the *Herald* offered me $1,000. He said if it was worth $1,000 to the *Herald* he guessed it was worth $1,000 to the *World*. Finally he said he would give me $600 if I would make the identification and I agreed to do it. He did say to me: 'Of course, Mr. Heckman, I want $75 of that myself.' I agreed to that, and then he told me that of course I should not say anything about that.

SOMEBODY HAS BEEN LYING.

Q. Then you went to the *World* office, did you? A. Yes, sir.

Q. Well, you had a talk with Nelson Hirsch in the Astor House about the identification? A. No, I did not.

Q. Didn't Hirsch ask you if you were able to identify the man? A. He did.

Q. Didn't he ask you to describe him to him? A. Yes.

Q. Didn't he ask you the color of his mustache, and the color of his eyes? A. Yes.

Q. Didn't he point out different things in the room to find the color of the mustache, and you did not find anything till he took the coffee before him and poured milk in it, until you said: "There, that's it?" A. I did not; if he said it, he lied.

Q. To use your own language; if Mr. Hirsch says that, he lies? A. Yes, sir; just that.

Q. And what do you say, sir, to the statement that you made a moment ago that you had no talk with him in the Astor House whatever about the identification? Don't you lie when you say that?

Mr. Osborne was on his feet shouting objections and the Recorder said that he thought that Mr. Weeks had gone far enough. Mr. Weeks declared that the witness had assailed a reputable citizen and that he had used only the witness's own language. The Recorder said: "You should not get down to the level of the witness, Mr. Weeks."

Q. Didn't you tell him that you were not prepared to identify Molineux? Did you not say that you could not identify him? A. No, sir.

Q. Did not Capt. McClusky come in and come to the table where you and Hirsch were sitting, and did you not say to McClusky that you had not identified Molineux? A. No, I did not.

Q. Did you tell McClusky that you had identified him? A. No, sir.

Q. Didn't Capt. McClusky say to you: "Will you identify Molineux for Hirsch?" And didn't you say: "No, sir?" And didn't McClusky say to you: "I am the chief of detectives of this city; what do you mean by going over to Newark, anyway?" And didn't he call you some pretty strong names? A. No, sir.

Capt. McClusky sat within the enclosure, rubbed his chin and looked up at the ceiling.

Q. And didn't McClusky say to you: "Well, you told my men that you were going to get $1,000 from the newspapers?" A. I asked McClusky if he wouldn't come to my office and he declared he had no business with me.

Q. Did he ask you if you had identified the man? A. I don't think he did.

Q. Will you swear to that, or that he didn't use words to that effect? A. I told him that I did not.

COULDN'T SELL HIS STORY AND THEN WENT TO THE POLICE.

Then Mr. Weeks brought out the fact that Heckman had had opportunity after opportunity to notify the police of this important information that he had but he had always failed to do it. He brought it out impressively by questions naming the times and places.

Heckman admitted that he didn't tell anybody until Feb. 21, when he told McCafferty.

Q. Before that time had you made another effort to sell the story? A. Yes, sir.

Q. Had you offered to sell it for $1,500? A. No.

Q. Didn't you say you would identify Molineux for some sum? A. Yes, $900.

Q. Had you not written and demanded $1,500? A. No, sir.

HECKMAN UNDER INDICTMENT.

Q. Before Feb. 21, Heckman, was anything said in regard to an indictment against you? A. No, sir.

Q. Is it not a fact that you were then under indictment?

"I object," shouted Mr. Osborne.

"Your Honor, it is not to affect the credibility of this witness that I ask the question, but to show his bias."

The Recorder said that he would not admit the question at the present time.

Q. Did any one suggest to you that if you testified in this case the indictment would not be moved? A. No, sir.

Q. Is it not a fact that you are under indictment for bribery?

The Recorder sustained the objection to this and said that Mr. Weeks must prove the fact. Mr. Weeks asked permission to have the clerk go and get the papers in the District Attorney's office, but the Recorder would not permit that.

One of the members of the jury reverted to Mr. Heckman's cheerful manner of opening letters that were not called for, and asked him: "Had you any authority to open the mail?" Heckman said: "No, sir," and he explained that he had kept the box of pills and things around his office from Nov. 21 until he gave them to the police.

Q. (By Juror 10) Well, why did you open the package? A. Oh, I just did it.

Q. Well, you had no right to open it? A. I offered to send it back, but the letter carrier told me to destroy it.

Q. So when he told you to destroy it, you opened it and kept the things around for some months until you turned them over to the police? A. Yes.

"WORLD" COULDN'T SWALLOW IT.

On his re-direct examination Heckman reasserted that $1,000 had been offered him by the *Herald*, and he said that the first time that money was suggested to him "Buchignani told me I was a damn fool when I could get cash for my information; he told me the *Herald* had given $300 for something."

The Recorder stopped this re-direct examination to ask why it was that Heckman had failed to identify Molineux at the Sinclair House, and Heckman said that he had never seen Molineux in a high hat and overcoat and without a mustache, and anyway he saw only the back of his head. Mr. Weeks asked if he had ever seen Molineux in his shirt sleeves in a cap and trousers previous to his visit to the factory.

Q. (By Mr. Osborne.) What did you say to Buchignani about his making the arrangement about the $75? A. I told him I was going to see my counsel, and he said: "Oh, don't do that; he will skin you."

Q. And you went to the *World* office with him and met Hirsch, and came away with him to go to the Astor House? A. Hirsch said he wanted something to eat. As he went out Buchignani looked at me as much as to say, "Now look out for your cheek."

Q. Did Buchignani call on you again? A. Yes; he called on me the following night and asked me for a receipt for the $15 he paid me and I wouldn't give it to him, and we had some words, and he said: "Well, you ought to be in jail anyhow." The *World* did not consider Heckman's "identification" of Molineux worth printing.

Mr. Osborne read an alleged statement of Heckman's to the effect that whoever he sold to he proposed to tell the whole truth, and if nobody would buy he proposed to go to the District Attorney's office and make an affidavit. Then came in the witness's description of the scene at the Coroner's office when the police so feelingly urged him not to identify Molineux. It was almost effective enough to bring tears.

TALK OF A BRIBE NOT TO TESTIFY.

Asked if anybody had offered him anything to not come to court and testify the witness mentioned the name of J. G. Walsh, but he was not permitted to testify anything about J. G. Walsh, and just what he was driving at did not come out.

EXAMINING THE WITNESS'S CONSCIENCE.

That finished his examination. Then it was that the Recorder said:

Q. You recognize the solemnity of the oath that binds you? A. Yes, sir.

Q. Do you realize what it means; how important it is to the man against whom you are testifying? A. Yes, sir.

Q. You know that if you should not swear to the truth on the witness stand, what probably might be the awful consequences to this defendant? A. Your Honor, I have fully considered them.

Q. And now you state on the solemnity of your oath, to this jury, whether or not any person promised you any reward of any character whatever for your testimony in this case? A. There is none; whatever reward I was to get, I was cheated out of by Mr. Hirsch.

Q. You are a man of family? A. Yes, sir.

Q. Have you any hope or reason to believe that you can receive a reward of any kind? A. No.

Q. Now before you leave this stand, probe into the depths of your conscience; do you know how vitally important it is; have you a doubt in your mind about the identity of this defendant? A. No.

Q. It may be too late hereafter; if you have any doubt whatever, remember that now is the place to express that doubt. A. I have no doubt whatever.

Mr. Osborne wanted to probe into the conscience of Heckman. When he was stopped, he exclaimed: "Mr. Weeks probed into his conscience." Mr. Weeks retorted: "Oh, no, I have not got a lance deep enough to probe into his conscience," and the court adjourned until this morning at half past 10 o'clock.

FRANKLIN SYNDICATE CASH.

Receiver Has $32,000 of the Funds of the Concern—Yarn About Miller.

John B. Lord, who was appointed receiver for the "Franklin Syndicate" on Saturday last, is at work straightening out the affairs of the concern. The funds now in his hands, it is said, amount to something over $32,000. It was said yesterday that Col. Robert Ammon, counsel for Miller, the head of the Syndicate, had said that when the accounts were made up and the receivership difficulties cleared up, Miller would give himself up. When seen at his office last evening Col. Ammon denied ever having made any such statements. He also said that he had had no communication with Miller and didn't know where he was.

HYPNOTISM DIDN'T WORK.

Prisoner Tried It on Prosecutor and on Judge and Got Twelve Years for Robbery.

John D. Blanchard, who robbed a small boy of $2.10, "tried hypnotism," as he said, by staring fixedly at Prosecutor Blumenthal when tried in the General Sessions. He was convicted. Arraigned for sentence yesterday, he asked that sentence be suspended and stared fixedly at Judge Blanchard.

"Twelve years," said the Judge. "Prisoners convicted the fourth time can't have sentence suspended."

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