POLICE CAPTAIN WILLIAMS.

Continuation of His Trial Before the Four Commissioners.

POLITICS INTRODUCED.

Counsellor Bliss Assails the Chairman of the State Democratic Committee.

MR. WHITCHURCH ON THE RACK.

The adjourned trial of Captain Alexander S. Williams, of the Twenty-ninth precinct, who is charged by Mr. Samuel Whitchurch with the clubbing of Charles W. Smith, at Madison square last month, was resumed yesterday. The full Board of Police Commissioners were in attendance. At the opening of the case Captain Williams presented a petition to Mr. French, who presided, requesting the privilege of being represented by counsel, which was granted. Captain Williams thereupon despatched a messenger down stairs, at the same time informing the Commissioners that his counsel was in waiting and would appear presently. Counsel, however, did not promptly respond to the call and Captain Williams made a hasty exit from the court room, returning soon thereafter with Counsellor George W. Bliss. Mr. Bliss lost no time in taking charge of the case. On entering the court room he did not give himself time to be seated when he exclaimed—"I move for an adjournment of this case until after the trial in the Court of Sessions. I will say that immediately after the adjournment last week I was retained as counsel, and I thereupon went to the District Attorney's office and asked for an immediate trial. I was informed that there was a likelihood of the case being called yesterday. But the crowded condition of the calendar made a further postponement necessary. Captain Williams and myself appeared at court this morning prepared to plead to the indictment and were anxious that the case should go on, but it was adjourned until Thursday. It will be in accordance with the uniform practice of this Board, and the strictest rules of justice, if, under the circumstances, an adjournment is granted upon my motion. I assure the Board that the trial in the Sessions will not be delayed."

THE APPLICATION REFUSED.

Mr. Whitchurch, the complainant, objected to an adjournment. He said that he did not oppose the application of defendant last trial day for an adjournment for reasons which, he thought, were sound and substantial. "The Board," Mr. Whitchurch said, "is a law unto itself. This Board has the power to try its own cases independent of the action of the Court of General Sessions on the indictment pending in this case. I therefore request that the trial be continued."

Mr. Bliss' application was reduced to the form of a motion and put to a vote. Messrs. Morrison and MacLean voted in the affirmative, and Messrs. Wheeler and French in the negative. The motion was thereupon declared not carried.

The fate of the motion was not received with a good grace by the republican representatives of the Board. They remained mute with apparent astonishment, as if the action of Messrs. Morrison and MacLean were a surprise. At last Mr. French turned to Mr. Bliss and exclaimed, "The motion to adjourn is lost."

"Such being the case, I have nothing more to say," said Mr. Bliss, sulkily.

"Do you wish to examine any more witnesses, Captain?" queried Commissioner French.

"No, sir," replied Captain Williams, doggedly.

Mr. Whitchurch announced that he desired to recall some of his witnesses. Mr. Alexander Woods was thereupon questioned by Mr. Whitchurch.

"Were you present at Madison square the day of the assault by Captain Williams upon Charles W. Smith?" was asked by Mr. Whitchurch.

"I was standing on the west side of Fifth avenue," the witness began, when he was interrupted by Mr. Bliss, who exclaimed:—

"I object to this witness being examined. He has already given his testimony, and I object to his recall until we have had an opportunity to cross-examine him."

Inasmuch as the objection was not sustained Mr. Woods proceeded to answer Mr. Whitchurch's interrogatories.

"Have you heard the testimony of Thomas H. McGee?"

"A part of it."

"Did you hear the witness say that I conducted myself in an excitable manner at the time of the assault?"

"No; I was not present at the time, but I read of it in the papers."

"Did you hear him say that I made a fool of myself?"

"No; I was not in the court room at the time."

"I would like to know," said Mr. Bliss, "if the witness is called as an expert?" Whereupon there was general laughter. The witness, however, preserved a dignified appearance and made no reply.

Said Mr. Bliss to the witness:—"On your previous examination you used the expression, 'like master, like man.' What did you mean by that?"

"I meant that if Williams had not assaulted Smith first Fleming would not have dealt the young man such a powerful blow."

"When Smith staggered back were there any people behind him?"

"Yes, a number; they prevented him from falling."

"Where were the people at that time?"

"They were all on the sidewalk."

MR. BLISS' "BOOM."

At this stage of the proceedings Mr. Bliss renewed his application for an adjournment, and in doing so he called the attention of the Board to the fact that in granting his motion there were no witnesses to be inconvenienced. He, therefore, urged that the Commissioners could have no legitimate excuse in refusing his request to have the case laid over till next Thursday. In doing so they would be conforming to the time-honored practices of the Board in such cases. He therefore hoped they would not be guilty of doing his client such an injustice as forcing him to a trial during the pendency of a criminal action in the Court of General Sessions.

"I wish to say also," exclaimed Mr. Bliss, in a crescendo burst of indignation, "now that the election is over, there can be no more political capital made out of this case, and therefore no reason to press it to a premature conclusion. Before election there might have been some such excuse, but not sufficient, I hope, to influence this Board."

Seeing a movement of impatience on the part of Messrs. MacLean and Morrison at the irrelevancy of this line of argument, Mr. Bliss offset all meditated interruption by exclaiming, in an excited tone of voice:—

"I wish to say also that I have a right to make these remarks when I know that the chairman of the Democratic State Central Committee called on my client (Captain Williams) before election, and during the pending trial, and threatened the defendant that things would be made worse for him after election if he did not throw his influence with the democratic party and help their ticket. The chairman of the State Central Committee also promised Captain Williams the friendship of the democratic Commissioners of the Board if he only acted with the friends of Mr. Tilden during the campaign. He promised Captain Williams that if he did so he would be taken care of."

This announcement, rendered in an impassioned tone of voice, acted like a bombshell. Messrs. Morrison and MacLean appeared to be dumfounded, and remained for awhile in speechless surprise. Messrs. French and Wheeler, on the other hand, made no concealment of their gratification over the dilemma in which their democratic colleagues seemed to be placed.

Mr. MacLean looked his incredulity, while Mr. Morrison was heard to say that the allegation was "a weak invention of the enemy." Mr. MacLean protested against Mr. Bliss' irrelevant remarks, and Mr. Bliss responded that he wanted to ventilate the matter there and then. Mr. MacLean again protested that Mr. Bliss' statement had no bearing upon the case, "and, moreover," remarked Mr. MacLean, "I believe that the reference to the chairman of the State Central Committee is inaccurate and uncalled for. I don't see what such matters have got to do with this Board."

"I say, too, they should not," retorted counsel, "but when I see such intimidation tried it is about time I should protest."

Mr. Morrison remarked that he desired to be heard on the subject. "So far as the allegation made by Mr. Bliss is concerned, I will state that its accuracy is beyond my knowledge. I do know most emphatically that I have never been approached by the Chairman of the State Central Committee or by any other person, and I believe that I can also say the same for my colleague, Mr. MacLean. And I will state further that it would make no difference, in my judgment, regarding the impartial disposition of this case upon its merits if I had. Questions of elections and politics are foreign to the issue, and I see no reason for introducing them here."

Mr. French favored the proposition for an adjournment. "I don't see," he said, "why we should make an exception in this case, not founded on justice and right."

POSSIBLY "ACCIDENTAL."

"I will also state," said Mr. Bliss, referring to his former charge, "that at the last meeting of the Board, when it was proposed by Messrs. MacLean and Morrison to remove Captain Williams to another precinct, or, failing in that, to suspend him during the trial, the chairman of the State Central Committee was present; but that may have been accidental, of course."

Mr. Morrison—Is that true?

"So I am informed. He is from the country, and that may account for it," replied Mr. Bliss, sarcastically.

Mr. Whitchurch indignantly exclaimed, "Mr. chairman, is this to be permitted? Is Mr. Bliss to be permitted to browbeat the Board?"

This interrogatory, delivered in a most sincere and energetic manner, caused considerable merriment on the side of Captain Williams' friends.

Mr. MacLean, who seemed likewise to be amused, remarked, "I think not, Mr. Whitchurch." Turning to Mr. Bliss he said:—"I have never known a member of the police force to continue on duty while under indictment for a criminal offence." This remark caused Mr. Bliss to inquire if an exception had not been made in the case of Officer Nugent. "He has been suspended," was Mr. MacLean's reply. "I believe, however, that he should have been brought to trial before this Board. So far as the case of Captain Williams is concerned, I have no objection to an adjournment until to-morrow or the next day." Mr. Whitchurch objected to this, remarking that there were no witnesses to be heard on either side. Mr. French questioned Mr. Bliss when the trial would come off in the General Sessions, and was answered that it was placed on the calendar for next Wednesday, and would likely be disposed of that day. Mr. French thereupon moved that the case stand adjourned until next Thursday, and Mr. MacLean offered an amendment that the case be called at one o'clock to-day.

The motion and amendment were lost on a party vote.

Mr. Bliss turned to Mr. Whitchurch and said:—"Mr. Whitchurch, I would like to ask you a few questions. You say you did not exhibit any feeling on that day?"

Mr. Whitchurch objected to being cross-examined by Mr. Bliss, alleging as his reason that he had already been subjected to that ordeal at the hands of Captain Williams. The question was sustained.

"I didn't testify to that, I believe," said Mr. Whitchurch.

"Did you say so?"

"I presume I may have; it was natural, under the circumstances, that I should betray some emotion."

"Have you had any motive to influence you in the prosecution of this case other than a philanthropic one?"

"I took the case up, gentlemen, as a citizen of New York; as I was close to the man who was assaulted I did not know but I might have been the next victim myself."

"Have you had any other consideration to influence you, pecuniarily or otherwise?"

"No, sir."

"Then if any person said that you were offered $100 in cash if Captain Williams was indicted and a position of $1,200 a year if he was found guilty, would it be true?"

"No, sir, for the reason that I would take no such position and no such salary."

A PROMISE OF PECUNIARY ASSISTANCE.

"Did any one promise you money?"

"A gentleman wrote to me offering me $100 to defray the expenses of the trial."

"Who is he?"

"Must I answer, Messrs. Commissioners?"

Messrs. MacLean and Morrison said:—"Not at all. It is irrelevant."

Mr. French excitedly exclaimed:—"Why not? If it is a money making business why not have it known?"

Mr. Whitchurch to Mr. Bliss:—"Your remarks are insulting to the complainant, sir. The only color for your statement is that a gentleman wrote me these letters," producing two letters and handing them to Mr. French, "in which he stated that after an indictment was found against Captain Williams he would forward me his check for $100 to remunerate me for my services, and I think that a man who spends his time and money as I have done to do justice to the citizens of New York is entitled to some little remuneration."

"Then the gentleman you refer to did promise you $100 if you succeeded in having Captain Williams indicted?"

"He did in the manner I have described."

"And a salaried position if you got a verdict?"

"No, sir."

"Or if you got him removed from the precinct?"

"No, sir. I have received letters from several persons stating that in consideration of my services in this case I was entitled to the highest honors in the gift of the citizens of New York; but these letters I regarded as mere byplay."

"Then, if Mrs. Whitchurch stated to a gentleman that you had a promise of a place if you got Captain Williams indicted would such a statement be correct?"

"Only in the sense I have explained. After the indictment I called upon the gentleman who promised me the $100, and he said he meant it in case of an indictment in the civil suit, and I said I had nothing to do with that, and so the matter dropped."

Mr. Wheeler—In your testimony you made reference to your being counsel for the Taxpayers' Association.

Mr. Whitchurch—I beg your pardon, sir; I said I was the secretary of that body.

"What is the Taxpayers' Association?" queried Mr. Bliss.

"It has been organized for the purpose of preventing office-holders getting big salaries," was the rejoinder.

"How many members are there?"

"I cannot say."

"What is the meaning of this, Mr. Bliss?" asked Mr. French.

"I want to show that the Taxpayers' Association, of which Mr. Whitchurch is secretary or counsel, is composed of thirteen members and that it is a blackmailing concern."

Mr. Whitchurch—I want to say that I am not the counsel or representative of the Taxpayers' Association. I have prepared papers for them and collected data at the County Clerk's office. I think that Mr. Bliss' remarks are personal and irrelevant.

"You have just said that you belong to the Taxpayers' Association. Now what is the object of that association?" persisted Mr. Bliss.

WHAT MR. BLISS WANTED TO PROVE.

Mr. Morrison—What do you want to prove by asking that question?

Mr. Bliss—I want to prove that it is a bogus association and was organized for the purpose of blackmail, and that Mr. Whitchurch is prosecuting and conducting this case in the interest of that association.

Mr. Morrison to Mr. Whitchurch—Are you in the interest of the Taxpayers' Association?

"No, sir; not at all. The charge is false."

Mr. Bliss—Well, if the gentleman does not want to have the Taxpayers' Association investigated I will drop that part of the case.

"I object to your slurs, sir," said Mr. Whitchurch, hotly; "I expected better of a gentleman of your character, Mr. Bliss."

Mr. Bliss—No doubt this case has been one of great expectations with you from the beginning and all along.

The Court rapped Mr. Bliss to order.

"Are you a member of the bar, Mr. Whitchurch?" asked Mr. Bliss.

"Yes, sir," was the reply.

"Were you born in this country?"

"No, sir; but I have been in this country since 1847, with the exception of a short time that I was absent in Europe."

"Were you ever in the war?"

"No, sir."

"Did you ever claim exemption from military service at any time during the war?"

Mr. Whitchurch objected to this line of cross-examination. While he had no objection to answer all necessary and relevant questions he did not propose to be catechised in that insulting manner.

Mr. French demanded to know what Mr. Bliss expected to prove by asking such questions. He said he was prepared to prove that Mr. Whitchurch went to the British Consul's office in this city and claimed exemption from the draft on the ground that he was a British subject, whereas, at the time, Mr. Bliss said, he was an American citizen, having been naturalized on the 5th of October, 1857.

"I deny the charge," said Mr. Whitchurch.

"Are you prepared to deny the statement?"

"I never appeared before the British Consul in my life."

"Did you make such an appeal?"

"If I did, it must have been in my sleep; I have no knowledge or recollection of it."

"That is not an answer; did you do it?"

"I do not remember doing so."

"If you had done so you would remember it?"

"Well, I must say that of late years my memory has become defective. I do not believe that I did any such thing."

"I DON'T BELIEVE I DID."

"Did you not with a number of others go to the British Consul's office and swear that you were a British subject?"

"I don't believe I did; I have no knowledge of doing so; have you got the date of this alleged affidavit?"

"Do you know Charles D. Price, of No. 650 Eighth avenue?"

"I do, sir."

"Do you remember his having you arrested?"

"I was not arrested."

Mr. MacLean—What is the object of all this, Mr. Bliss?

"Well, you can conceive of a man getting money on trust, and, in place of paying it to whom it was due, appropriating it to his own use, and getting arrested in consequence."

Mr. Bliss to Mr. Whitchurch—You say you were not arrested?

"Yes, sir."

"You are sure of that?"

"Yes, sir."

"That is all," exclaimed Mr. Bliss.

"You had better find something else in the way of a charge to make out of whole cloth," said Mr. Whitchurch impatiently.

Thomas P. Donlon was recalled.

Mr. Bliss (to witness)—You have been examined in this case before, have you not?

"Yes, sir."

"When examined you spoke of Mr. Woods being present at the time of the assault. Did you know him?"

"No, sir."

"You found yourself near him in the crowd?"

"Yes, sir."

"Were there people behind Smith when he was pushed by Captain Williams?"

"Yes, sir."

"How near to him?"

"They were standing right behind him."

"You said that Smith was knocked back three feet when he was pushed by Captain Williams?"

"Yes, sir; I said four feet, if I don't mistake."

"Well, was the crowd behind Smith also pushed back?"

"They fell back when Captain Williams came along."

"Were they also pushed back?"

"Yes, sir; I suppose they saw the blow coming and fell back."

"Did Smith go back at the time?"

"Yes, sir; he was going back, but the crowd prevented him."

"The crowd went back coincident with the shove first given to Smith by Captain Williams?"

"Yes sir; but the crowd did not get back as fast as Captain Williams wanted, and he then used his club."

"Then Smith was coming forward when Captain Williams shoved him back?"

"No, sir; he was trying to get back, but the crowd behind would not let him."

"Was he trying to get back or standing still?"

"He was trying to get back."

"Then why didn't he?"

"The crowd was too great."

"Then the crowd yielded and he tried to get back?"

"Yes, sir."

"Did they yield at the approach of Captain Williams?"

"Yes, sir."

"Then, when you say that Captain Williams knocked Smith back three feet, where was the crowd?"

"It was the second blow that knocked him back. At the first blow Smith asked Captain Williams what he meant by striking him. He then struck him again and knocked him back."

"You are sure about that?"

"I am positive that after the first blow Smith said something, as if protesting, when Captain Williams struck him a second blow, more violent than the first."

"Then when Captain Williams shoved him first he didn't get back?"

"He was 'yielding,' as you say, the crowd being behind him, when he was struck the second time."

"Then you say that Captain Williams struck him two blows and that the last blow was the one that knocked him back three feet."

"Yes, sir."

"How many times was Smith struck?"

"Williams struck him twice."

"I notice in your former examination that you testified that it was the first blow that knocked Smith back—what do you mean when you say at one time Smith received a punch and at another time a knock?"

"At first he placed his hand roughly against Smith's breast, which I would call a shove or a punch, and the second time he struck him with greater force; I did not say at any time it was the first blow that knocked him back."

"That is all," said Mr. Bliss.

MR. BLISS RENEWS HIS MOTION.

Mr. Bliss again renewed his motion for an adjournment until Thursday, and Mr. Whitchurch again protested, saying that the prosecution and defence were through with their witnesses and that the case was practically closed. He therefore requested to be informed upon what grounds Mr. Bliss sought for an adjournment.

"The gentleman asks my reasons for seeking for an adjournment," said Mr. Bliss. "I shall say that inasmuch as there are no more witnesses in waiting to be heard at present the postponement which I seek cannot be considered a hardship by any one. I will state frankly that if an adjournment be not granted I'll not put ten or twelve gentlemen on the stand (witnesses that I have in reserve), but shall leave it to the Commissioners to take such action as they please, reserving to myself the right to do likewise. There is no justice in forcing the case to a final hearing now; nothing can result from such haste but injustice to Captain Williams. We see here two Commissioners (French and Wheeler) in favor of granting my motion for an adjournment, and two (Morrison and MacLean) against it. If such is also the condition of the Board upon the question of suspending or removing Captain Williams during the pending trial at General Sessions I don't see how the Board can come to a decision by forcing the case, because the defendant, instructed by his counsel, seeks for a postponement. Such action of the Board I regard as a violation of the spirit, if not of the letter of the law. Under these circumstances I appeal for an adjournment until next Thursday."

Mr. Morrison—I move that further hearing in this case be postponed until next Monday at one o'clock.

Mr. French—I move to amend by making it Thursday.

The amendment and original motion were lost, Messrs. MacLean and Morrison voting in favor of the original motion, and Messrs. French and Wheeler in favor of the amendment. After considerable debate a motion prevailed to adjourn the case until next Tuesday at one o'clock. The Board then adjourned.

THE CRIMINAL INDICTMENT.

Assistant District Attorney Rollins summoned Captain Williams and Officer Fleming to the Bar at the Court of General Sessions yesterday. Mr. Bliss, counsel for the accused, intimated that a speedy trial was desirable. Judge Gildersleeve set the case down for Wednesday next.

A WIFE'S ALLEGED CRUELTY.

TESTIMONY IN THE MEDINA DIVORCE CASE IN PHILADELPHIA—HOW A HUSBAND WAS WATCHED.

PHILADELPHIA, Nov. 6, 1879.

The Medina divorce case, which has been attracting a great deal of attention here during the past few days because of the fact that the parties moved in good society, reached an interesting stage to-day. Mrs. Medina, against whom the suit is brought by her husband on the ground of the wife's violence and abuse, had been placed on the stand yesterday afternoon, but only stated a few unimportant facts before the court closed for the day. On resuming her testimony this morning she referred to the events which estranged her husband.

CHASING HER HUSBAND.

She said:—"I remember an evening in October, 1877, when I disguised myself to go out to see if there was anything criminal between Mr. Medina and Miss McAuliffe. Maggie Frayne went with me, and we went down to Maggie McAuliffe's store, at No. 232 South Eleventh street. Shortly after seven o'clock Miss McAuliffe came out with a young woman. She went out Walnut street and to Tenth street, and turned down Tenth street a few steps. She said 'Good night' to this girl, and turned around and went up Tenth to Market. She went up an alleyway and fixed up her dress, as though arranging her train. She then came out and went up Market street, and in the middle of the square turned around and came back again. The girl got in a street car and I and Maggie Frayne got in the car with her. I sat directly opposite Maggie McAuliffe. She got out of the car at Fifth and Market streets, I think. I lost her there, it being dark. I went after another couple I thought were Mr. Medina and Miss McAuliffe, but I was mistaken, and so I lost her. I then went to my husband's store and saw him with his overcoat on walking up and down the store and every now and then looking at his watch. He came out and ran out on Filbert street, looking back every now and then. I could not keep up with him, and so I went home. Maggie Frayne communicated to me afterward what she saw after I separated from her."

"Did you ever on your knees threaten revenge?"

"There was something said about revenge, but I never said it on my knees nor with uplifted hands. My husband told me that he was going to take my children from me, and I said, 'I don't want my children taken from me; my husband has been taken from me and now my children must go; what have I left to live for? If my children are taken from me I will have revenge upon the woman who has broken up my home; I will seek it day and night.'"

"One night," continued Mrs. Medina, "when my husband was at home, Freddie was on his knees saying his prayers in silence, and when he finished Mr. Medina said, 'Freddie, what did you say in your prayers?' My boy recited the Lord's Prayer, and then said that he prayed that God would bless his papa and mamma, and make papa come back and live at home. My husband said, 'Freddie, you oughtn't to pray that way, for I will never come home again to live.' I said afterward to my husband that the language he used to his boy was barbarous, and he replied that I put him up to say that."

"Well, did you put Freddie up to say that?" asked Mr. Diehl.

"I did."

SUCCESSFUL VIGILANCE.

Mrs. Medina then related what she saw one evening. Maggie McAuliffe had gone home and afterward returned to the store and went in. Then Mr. Medina came to the front and locked the door. After being inside some time Miss McAuliffe left again, and when her husband came out Mrs. Medina accosted him and asked if she could go in the store. He said "No," and then his wife asked him if she could walk with him. She took his arm, and when they had gone a square he stopped and Mrs. Medina accused him of having had Miss McAuliffe in the store with him. First he said it was a customer, and then he said that Miss McAuliffe had come back to change her shoes. She said to him, "Do you have to lock the store and go up stairs to help her put them on?" and he replied that he had bought some bananas and they had gone up stairs to eat them. He then grew very angry and let go of his wife's arm, and said that he would take Maggie McAuliffe that very week to some place where he would not be bothered with his wife.

"Will you relate your version of the occurrence your husband mentioned in connection with the taking of the books from your house?"

"My husband came home to me and asked me about the condition of my child. I was angry and I did not answer him, and a little afterward he went looking among the books, and said he was going to take some of them to the store. I objected, and stepped on some of them, and he pushed me off; in the altercation I scratched his neck slightly, and that is the only injury I ever did him."

After the respondent's case was closed and some testimony in rebuttal had been given, Mr. Shapley addressed the jury for Mr. Medina, reviewing the facts which had been presented. The Court then adjourned until to-morrow morning, when Mr. Diehl will address the jury.

MINISTER HAYDEN'S TRIAL.

Treating the Jury to a Microscopic Exhibition.

FINDING STANNARD'S BODY.

Interesting Points Made by Peculiar Witnesses.

NEW HAVEN, Conn., Nov. 6, 1879.

The Hayden trial presented several interesting features to-day. The jurymen were afforded an opportunity of examining with a microscope a sample of arsenic, thus demonstrating to them the powers of the instrument which had been so much depended upon by the State's experts. The defence is fortunate in not having had a full exhibition to the jury of the differing characteristics of the notable arsenics in the case, for it could not have failed of effect. The remainder of the day was occupied in examining witnesses who saw the corpse shortly after the murder. The defence met with some success in drawing testimony from them sustaining the theory that Mary Stannard's murder may have been perpetrated at some other place than where the corpse was found.

At nine o'clock Professor Brewer sat in the witness box, and just in front of him, on a table, was his large microscope, with a lamp burning beside it. The jurors were in their seats and curiously watched the Professor as he turned a screw here and a screw there, and arranged his system of reflectors (turning on their delicate brass supports), until they concentrated on the under side of a microscopic slide the rays from the lamp. The counsel in a few moments retired to the Clerk's office for consultation. It had been conceded that an exhibit of the arsenical specimens by the use of the stereopticon would not be practicable, and perhaps not advisable, for the State's experts had made their investigations with the microscope alone. The question then became one of the time to be occupied by the State in exercising its right, under yesterday's ruling of the Court, to exhibit to the jury, by the microscope, as many of the arsenical specimens as they might elect. After half an hour of conference counsel returned to the court room, and Mr. Waller, for the State, said that the prosecution had consented to abandon the original proposition to exhibit to the jury specimens of each of the four notable arsenics in the case. To do this, as there were many mounted specimens of each kind, would require much time. Therefore it had been agreed to submit to the jury by the microscope a single specimen of ordinary white arsenic, for the purpose only of demonstrating the power of the instrument. From this the jury could judge of the testimony of the State's experts as to what they had seen.

Mr. Jones, for the defence, objecting to the use of the word "consented," Mr. Waller insisted that it was the correct term, whereupon Mr. Watrous, for the defence, rejoined that the concession, if any, was really made by his side in not insisting on the exhibition of the entire 110 specimens which had been examined by the experts.

JURYMEN AS MICROSCOPISTS.

Professor Brewer, having arranged his microscope, fixing it to magnify to 135 diameters, stated that the specimen he had mounted for this exhibition was taken at random from a barrel at a New Haven wholesale drug store. It contained, he said, about even proportions of crystals and irregular fragments, and was a very fair specimen of common white arsenic.

The counsel first peeped into the double tube of the microscope and then each juryman in his turn, Professor Brewer indicating how to get the right focus for each. Each individual occupied from two to five minutes, and meantime the judges left the bench, the lawyers retired to an anteroom for a social smoke and the spectators chatted freely. Some of the jury appearing to be suffering from cramp while waiting their turn one of the counsel passed up a couple of newspapers and a moment later four or five jurymen were intently reading, other papers being produced from unknown sources. This proceeding occasioned some comment, as the Court had, early in the case, cautioned the jurymen against reading anything about the trial, and one or more of the papers in the hands of the jurymen contained reports. Upon the conclusion of the microscopical exhibition Surveyor Butler was recalled by the defence, and testified that it would not be possible for Hayden to have gone from his wood lot (where he claims to have been at work on the afternoon of the tragedy) to the scene of the murder without passing one or two places where he would have been visible from houses on the way.

MARY STANNARD'S CORPSE.

Lozell F. Scranton, of Rockland, testified that he saw the corpse of Mary Stannard on the afternoon of the tragedy, near Big Rock; it laid with the head just outside the ruts of the roadway, the feet on the road; the head was slightly elevated, owing to the slope of the ground, and the hands were folded across the body; the blood from the terrible throat wound saturated the sand; many of the neighbors were standing around when witness arrived on the scene, and among them was the accused; Hayden said nothing about sending for a coroner until after it was suggested by others that an inquest would be necessary.

"What was your business, Mr. Scranton?" inquired Mr. Jones on cross-examination.

"Peddling different things."

"Arsenic, for instance?" suggested Mr. Jones.

"No, sir," was the emphatic reply. Scranton further testified that on the morning of the tragedy, when driving to Middletown, he met Hayden returning. Being interrogated at great length on the point whether Hayden did not first suggest a coroner and investigation, no contradiction of his previous testimony could be obtained from witness. In questioning him as to the appearance of the corpse some testimony was obtained useful to the defence in one of their claims that the girl was not murdered at the place where the body was found, but that it had been placed there an hour or more after the killing. Witness testified that there was no blood on the hands nor on the clothing, only on the ground, a saturated spot about a foot long by eight inches in width, near the neck; there were no splashes of blood on the leaves or soil around the body indicating a struggle. This was one of the most important points scored by the defence; but as an offset the State points to the probability that the ninety grains of arsenic in the poor girl's stomach may have so affected her that she was quite powerless to struggle.

AN IMPORTANT WITNESS.

Andrew Hazlett, an Irishman, who had been the "hired" man at Nehemiah Burr's farm in Rockland at the time of the tragedy, testified that he was present at the time the neighbors were summoned to the scene. "The body," he said, "laid a leetle to the right, with the left shoulder raised off in the ground; it was sloping ground and the head was ten inches higher'n the feet. There was a cut on the left side of the neck and a wound on the head. There wasn't any blood on the girl's hands, and I don't believe she could have raised 'em up to her neck to get blood on 'em."

"Another expert!" ejaculated one of the counsel for the defence.

"There wasn't any blood on the clothing either," continued Hazlett, "but there was a big spot on the ground near the neck."

Witness described the removal of the body to the Stannard house, and recounted his meeting the following morning with Hayden, who was driving home from his wood lot with a "jag" of wood. "He asked me if any one was suspected of the murder and I said there was a surmise; he didn't reply, and that's all that happened."

"Was there any suggestion of suicide at any time?" asked Judge Harrison.

"When we were all standing around the body there was some general talk that it was suicide, but I said she couldn't have cut her throat herself, nor could the body have so laid, and with no blood; I also said that there was foul play, and 'you'll find it out before this time to-morrow;' Hayden was present, but didn't say anything."

At this point Mr. Watrous objected to the testimony as irrelevant.

Judge Harrison—We intend to show that the Coroner's jury on the night of the day of the murder discovered things throwing suspicion on Hayden. The next morning Hayden met this witness and asked him who was suspected. Witness replied evasively that there was a surmise, although the witness knew of the proceedings of the inquest and suspicions against Hayden. Our point is that any innocent man would have asked who was suspected; but Hayden, saying nothing, turns away. His condition in asking one question and not the other is, to the prosecution, indicative of guilt.

Mr. Watrous (for the defence)—We shall resist the introduction of all the senseless stories which were circulated in Rockland at the time of the murder, and from which unfair inference may be drawn. We should not lumber up the case with this man's conjectures.

The Court decided to exclude, at this time, witness' testimony regarding his remarks and conjectures when standing beside the corpse.

On cross-examination witness said that he came to this country in 1864; was about forty and had worked at different places in Connecticut. Counsel tried to get an admission that he had once worked in Huntington, but failed in this, as also in an effort to get another admission that he had been known as Hazen, or Haslett, or Haley.

MATRIMONIAL UNCERTAINTIES.

"Are you married or single?" asked Mr. Jones, for the defence.

"Don't know, sir." (Great laughter.)

"What do you mean by that?"

"I was married, but the old woman cleared out and left me three year ago agin the 21st of June coming. I was living in Haddam and had a place of my own, and was working in a shop."

Continuing, witness testified that he knew the murdered girl and members of her family by sight only, and further unwittingly strengthened the claim of the defence previously mentioned by insisting that there was no blood on the hands or clothing of the corpse when he saw it. On the face there was a single small spot.

At the afternoon session the defence endeavoring to show by witness that he had concealed his acquaintance and relations with Mary Stannard in his previous testimony Mr. Waller objected to the line of inquiry as improper at this time, because not germane to the examination in chief. Mr. Jones argued that the defence should have the right to cross-examine as proposed, on the theory that the witness may have had improper relations with Mary Stannard, and, the murder being discovered, he had an object in throwing suspicion on Hayden.

The Court sustained the objection, and Hazlett then related his movements on the afternoon of the tragedy, and again described the meeting with Hayden on the following morning without any material contradictions.

CHARACTER OF MARY'S WOUNDS.

Dr. Rufus Matthewson, of Durham, who assisted on the post-mortem examination of the body of Mary Stannard, testified to the character of the cruel knife stab in the neck; it was from right to left, running to the left and upward as the knife was drawn out toward the larynx; the jugular vein was severed, and the carotid artery partly cut. [A volume of anatomical plates—"Maclise's Surgical Anatomy"—being shown witness, he pointed out the exterior and interior characteristics of the wound.] The blood from the wound saturated the adjacent clothing. On the cross-examination Dr. Matthewson described the stripping of the body for post-mortem examination in such blunt terms that many of the ladies blushed deeply, while others hid their faces behind their hands and giggled. The marks of violence on the person, other than the throat wound, were a stone bruise on the head and a severe contusion on the hand. The girl was evidently lying upon her side when she was stabbed. There were the usual evidences indicating non-pregnancy.

"If the carotid artery was severed and the person was in full health wouldn't the blood have spurted twelve feet instead of having merely run down the clothing?"

"Can't say how far it would spurt; I don't know much about throat cutting; something would depend upon the position of the head, action of the heart, &c.

"Could the person who struck the blow have removed the knife, his hands and his arm so quickly that no blood would get upon either?"

"Yes, it's possible, if done very quickly; I shouldn't be surprised if I saw it done to see no blood on the hand afterward."

"Didn't you testify differently at the preliminary trial at Madison?"

"Don't recollect; I don't know what view I took of it then."

"Have you any more intelligent ground for an opinion now than then?"

"Don't know."

At this point considerable confusion occurred, the Doctor getting talkative and persisting in answering in his own way and talking right along, indifferent to the objections of the lawyer. Roars of laughter greeted some of his rambling and really non-committal answers, in short sentences, delivered in the manner of a self-contained country doctor. Dr. Matthewson admitted writing an account of the murder to the New Haven *Register* and heading it "Murder or Suicide;" it was written on the morning after the murder and before the coroner's jury had arrived at a verdict.

"Why did you head it 'Murder or Suicide?'"

"I wanted to give the jury all possible latitude."

This was greeted with general laughter, as it struck the spectators that the Doctor had apprehended that the jury's verdict would be affected by his correspondence, he being known as a correspondent of the New Haven paper.

"Can you swear that you didn't go to the foreman of the jury, or others, and urge that a verdict of suicide be rendered?"

"I can only swear that I don't believe that I did."

Dr. Earle Matthewson, son of the preceding witness, testified that on examining the corpse he found many minute spots of blood on the face. On cross-examination he said that the direction of the wound was such as to make a supposition plausible that the girl might have inflicted it with a knife held in her own hand, but the stone wound on the head would destroy any such theory; the witness was satisfied that the stab was inflicted with a small knife, and, while this alone might have suggested suicide, all the other injuries were against the idea; suicide was suggested before witness saw the corpse.

PRACTICE OF THROAT CUTTING.

Dr. P. A. Jewett, recalled by the State, described minutely the contusions on the head and hand, also the stab in the neck, and illustrated the latter by calling up one of the court officers and drawing the point of a knife across his throat. This proceeding was watched with breathless interest by the spectators, and the subject of illustration drew a sigh of relief when the doctor released him. Dr. Jewett described the severing of the jugular vein; the spots of blood noted by Dr. Matthewson were also described; the neck wound was apparently inflicted by a sharp-pointed, narrow instrument, very sharp, for the cut was a clean one. It wasn't the kind of a cut, said the witness, usually made by a person committing suicide; they have a habit of drawing a knife straight across the throat, severing only the larynx and only making trouble for the surgeons and pain for themselves without accomplishing anything.

By Chief Justice Park—How long would a person live who was stabbed as severely as Mary Stannard was? A. Much would depend on the physical forces of the person and efforts to stop the bleeding; if the blood was allowed to flow freely death would ensue in a few moments.

By Mr. Waller—If the person had taken ninety grains of arsenic and the poison had reached the brain would he have strength to inflict such a wound? A. I hardly think he would, for arsenic has a depressing effect.

Q. How far would the blood spurt from such a wound? A. It would spurt a considerable distance; I have known of a man cutting his throat when lying on the floor, and the blood spurted to an ordinary high ceiling; blood will continue spurting so long as the heart beats; if the heart's action was checked by arsenic there would only be a flow or gurgle of blood; in this case it is my opinion that the stab was inflicted after the system had been depressed by the enormous dose of arsenic.

The Court then adjourned until nine o'clock on Friday.

A STARTLING DISCOVERY.

The State, by the death of one of its witnesses, Mrs. Jane Studley, a few days ago, lost an important witness as to the motive which may have prompted Hayden—that is, that the murdered girl believed herself pregnant by him. However, a new piece of evidence of a startling character was discovered today. Mary Stannard's head was taken by Professor White, of Yale College, the skull cleaned and mounted, and the flesh of one side was preserved in alcohol; this was the left side, and the reason for preserving it rather than the other was that upon the cheek appeared numerous slight indentations which appeared to have resulted from a bruise. Dr. C. M. Carleton, of Norwich, an eminent surgical expert, in the employ of the State, on examining this flesh within a day or two observed a resemblance between the many indentations and such marks as might have been made by the nails of a boot heel. The boots worn by Hayden on the day of the tragedy, which have been in the possession of the State authorities, were obtained. The nails in the right heel did not correspond. Then the left heel was examined and was found to have what shoemakers term a lift, in which the nails were prominent. The positions of the nail marks were compared with the marks upon the cheek, and the result was astounding. Seventeen were found to compare exactly in their positions, as was proven by over forty measurements and comparisons. The marks were most prominent on the flesh immediately over the jaw and cheek bones where the flesh was mostly closely pressed. Counsel for the defence, it is understood, have been advised of the discovery, so that their experts may make an examination. Dr. Carleton will be called to the stand in a few days, and the boot heel and the preserved flesh, on which the marks are very clearly perceptible, will be submitted to the inspection of the jury. The expert testimony on arsenic will be resumed to-morrow, and it is understood that Professor Wormley, of the University of Pennsylvania, will be called. He is proficient in this branch of scientific research.

THE M'AULIFFE MURDER.

CONFLICTING TESTIMONY AS TO THE EXPRESSIONS OF THE ACCUSED AFTER HIS WIFE'S DEATH.

BRIDGEPORT, Conn., Nov. 6, 1879.

The McAuliffe trial was resumed this morning. Chief of Police Marsh testified that he saw the prisoner when he was first brought to the station house, before the death of his wife; when told he was charged with a serious assault the accused replied, "I wish to God she was dead; she annoys the life of me; she drinks every dollar I can earn;" when informed that she was dead he said, "The devil mind her; I done nothing to her;" saw two pools of blood, ten inches in length, one near the bed and the other near a trunk; knew deceased to be an habitual excessive drinker; Officer Lockwood was placed in a cell between those occupied by the father and the son on the night of the homicide; he heard a conversation between them; the boy said, "You'll get life for this, won't you?" the father replied, "What do I know about it?"

To Officer Arnold McAuliffe denied having inflicted the injury