JEFF. DAVIS IN A NEW ROLE.

Defendant in the Equity Branch of the United States Circuit Court in Louisiana.

In Possession of the Estates of Mrs. Dorsey as Universal Legatee Under Her Will.

The Heirs of Mrs. Dorsey After Jeff, and Charging Him with Fraud and Undue Influence.

THE BILL OF COMPLAINT.

There has been filed in the office of the clerk of the United States Circuit Court for Louisiana, by William Reed Mills, solicitor, a bill in equity by S. Percy Ellis, of Brooklyn, N. Y.; Edward Peckham and Inez Routh Peckham, of Tensas parish, La., and A. Mortimer Dahlgren, of St. Louis, Mo., heirs-at-law of Mrs. Sarah A. Dorsey, as complainants, against Jefferson Davis as defendant. The bill is quite voluminous and its various allegations are set out with the detail and particularity which characterize equity pleadings. Stripped of the verbiage of the pleader the allegations are, substantially, that Sarah Ann Ellis, widow of Samuel W. Dorsey, was at her death lawfully possessed of lands, rights and credits situated in the States of Louisiana, Mississippi and Arkansas, among which were two plantations in Tensas parish, La., one called Elkridge plantation, comprising upward of three thousand acres, and Elliston plantation, containing over one thousand acres; also the estate called Beauvoir, in Harrison county, Miss., comprising 680 acres, and a lot at West Biloxi, in the same county, measuring one and a half arpents front by eight arpents deep, and a large amount of personal property.

THE HEIRS OF MRS. DORSEY.

That said Sarah Ann Dorsey deceased on the 4th day of July, 1879, intestate, having, in absence of heirs in ascending and descending lines, her brother, Stephen Percy Ellis; her sister, Inez Routh Ellis, and Mary Routh Ellis, her niece, only child surviving of Thomas L. Ellis, brother of said Sarah Ann, pre-deceased, all heirs of full blood, and her uterine brothers, A. Mortimer Dahlgren and J. Adolphe Dahlgren, her next of kin and sole legal heirs, in the collateral line, and in whom on the death of their said sister and aunt, the whole of her estate, movable and immovable, real and personal, became legally vested in the respective shares of one undivided fourth part each to said Stephen Percy, Inez Routh and Mary Routh, heirs of full blood, and one-eighth each to said A. Mortimer and J. Adolphe, heirs of half blood.

MRS. DORSEY MAKES DAVIS HER MANAGING AGENT.

That during her lifetime, to wit, on the 10th day of May, 1878, the said Sarah Ann Dorsey, with the advice and consent of said defendant, by notarial act of procuration, before O. H. Violet, notary in and for the parish of Orleans, constituted said defendant her agent and attorney in fact, with full and special powers to take exclusive control, charge and management of all and singular her property and estate, and all transactions and business in any manner therewith connected, including the power "for and in her name to sue and be sued, to purchase, lease, alienate or encumber real estate situated anywhere, to borrow money, execute notes or other evidences of indebtness;" that in virtue of said agency the defendant entered upon and assumed the exclusive management of said property and business, and took possession of all account books, title deeds and papers thereto appertaining, and continued in the exclusive control, management and possession as said agent to the time said agency expired by the death of the principal, and since her death has still continued in said exclusive possession, management and control. The complainants charge that the defendant, upon and since Mrs. Dorsey's death, has neglected and refused to render to the heirs an account of his administration as agent of Mrs. Dorsey, and, in order to prevent them from obtaining either the property or an account, pretends and gives out that said Sarah Ann Dorsey, by a certain instrument afterward recited, executed her certain last will and testament by which she bequeathed to him all her property, real, personal and mixed, wherever located and situated, wholly and and entirely without hindrance or qualification, for his own sole use and benefit, and constituted him her sole heir, executor and administrator, and which said instrument the said defendant claims the full benefit of as being the last will and testament of said Sarah Ann Dorsey, and threatens and intends in case orators and their said coheirs, or either of them, should proceed at law or in equity against him, touching the matters aforesaid, to set up said pretended bequest and universal legacy, and a certain decree of probate and proceedings thereunder as a bar thereto and as a muniment of title to all and singular the estate of said Sarah Ann Dorsey. The orators expressly charge the contrary of all these pretences to be true. That though true it doubtless is the said Sarah Ann Dorsey did write and sign a certain instrument containing such clauses as by defendant pretended, being that filed at his instance in the Second District Court for the parish of Orleans on the 15th day of July, 1879, and being in the words and figures following, to-wit:—

THE PRETENDED WILL.

BEAUVOIR, Harrison county, Miss., Jan. 4, 1878.

I, Sarah Ann Dorsey, of Tensas parish, La., being aware of the uncertainty of life, and being now in sound health in mind and body, do make this my last will and testament, which I write, sign and seal with my own hand, in the presence of three competent witnesses, as I possess property in the States of Louisiana, Mississippi and Arkansas.

I owe no obligation of any sort whatever to any relation of my own. I have done all I could for them during my life. I therefore give and bequeath all my property, real, personal and mixed, wherever located and situated, wholly and entirely, without hindrance or qualification, to my most honored and esteemed friend, Jefferson Davis, ex-President of the Confederate States, for his own sole use and benefit, in fee simple forever: and I hereby constitute him my sole heir, executor and administrator. If Jefferson Davis should not survive me I give all I have bequeathed to him to his youngest daughter, Varina.

I do not intend to share in the ingratitude of my country toward a man who is in my eyes the highest and noblest in existence.

In testimony whereof I sign this will, written by my own hand, in the presence of W. T. Walthall, F. S. Hughes and John C. Craig, subscribing witnesses, resident in Harrison county, Mississippi.

SARAH ANN DORSEY.

At Mississippi City, on the 4th day of January, 1878, the above named Sarah Ann Dorsey signed and sealed this instrument, and published and declared the same as and for her last will, and we, in her presence and at her request, and in the presence of each other, have hereunto subscribed our names as witnesses.

W. T. WALTHALL.
F. S. HUGHES.
JOHN C. CRAIG.

This instrument, it is alleged, is null and void for the reason that Mrs. Dorsey was not of sound and disposing mind when she made it; that she was then and all the while thereafter under the undue influence of the ex-Confederate chief; and that the motive of the bequest, and the bequest itself, were, under the laws of the land, illegal, null and void.

MENTAL CAPACITY OF MRS. DORSEY.

On this point the bill proceeds to charge that during many years previous to the death of said testatrix there existed in the minds of friends and acquaintances doubts as to her mind's soundness or capacity for rational action, either as judged by her conversation, writings or actions, especially regarding subjects, persons and matters in and regarding which she became deeply interested or strongly attached. Though true it is, as at times averred by defendant, Mrs. Dorsey possessed a "high order of intelligence and ability, and such as rendered her capable of bringing around her in close association a large circle of friends, comprising the accomplished of her sex and many eminent *litterateurs* and the ablest and most prominent of men in political and social life," yet equally true was it that such was her mental temperament, nervous, impulsive and enthusiastic, that toward those whom her mind conceived as pre-eminently distinguished in intellect, patriotism or virtue, she formed attachments of esteem and veneration which so absolutely influenced and controlled her as to bias her judgment and for the time impair the other faculties; and, as regards her thoughts, language and acts, they were not only strange and erratic, but unnatural, unreasonable and unsound, and regarding which she became impatient of and would brook neither control nor advice from either relatives or intimate friends.

MRS. DORSEY A PROSELYTE FROM ROME.

In religion her mind exhibited a similar changeable, erratic and intensely enthusiastic character. A Roman Catholic by baptism, under educational influences she espoused the Presbyterian faith and became a communicant in that Church. Subsequently she embraced the doctrines of and became a devout worshipper in the Protestant Episcopal Church. Afterward, through the teachings of a distinguished Hindoo of high caste, to whom she was devotedly attached, she became a believer and public advocate of what she termed the Aryan philosophy; and in the meanwhile, to such an extent did her mind wander and change, that in later years it indicated atheistic tendencies, returning in her last days, as orators are informed, to Christianity.

HER POLITICAL OPINIONS.

On political matters her mind passed through extreme changes. During the civil war her sympathies were enthusiastically enlisted on the Southern side and so continued to the year 1876, when, after a sojourn of several months in one of the Northern States, she as sincerely entertained directly opposite sentiments, declaring "that the causes of the war were chimerical, and that the people of the Southern States had been deceived into entering a fated cause to gratify the ambition and hatred of a few crazy polititicians," holding the cause and some of its chief leaders in contempt. Subsequently, soon after defendant came to reside at Beauvoir, the name given by her to her residence, her mind in this regard underwent a change to an enthusiastic love for the Confederate cause and reverence for the defendant as its ex-President, caused, as she stated, by his representations alike in conversations with her and in the history which at the time he was engaged in writing.

HER BUSINESS CAPACITY.

In business matters there also were frequent indications of unsoundness of mind, and which had been, previous to the death of Mr. Dorsey, cause of uneasiness on his part as to the effect of the same on the management of her property after his death. And, as illustration, and in proof of the reasonableness of such anxiety, reference is made to the character of her alleged will, to her transactions with defendant, and especially to the said power of attorney of May 10, 1878, whereby without any sound business reasons she gave him an unlimited power to dispose of her property either by sale or mortgage, without limit as to price, terms or duration, and even so far was it the evident intention that the power should extend that, in not describing in the act of procuration the property authorized to be sold or mortgaged, it was really nugatory; as also to the transfer of her title to her residence, Beauvoir, and other property situated in Harrison county, Miss., on February 19, 1879, to defendant, without any security whatever for the payment of any portion of the price, and this while he held a power of attorney rendering him incompetent to be a purchaser of her property.

DEFENDANT'S BALEFUL INFLUENCE.

These peculiarities of the testatrix, characterizing an unsound mind, became the more apparent and developed during defendant's residence at Beauvoir from December, 1876, to her death, and unquestionably were mainly caused by said defendant. During this period her mind was absorbed in an extreme belief in the righteousness of the Confederate cause; that its principles should still be contended for and never yielded; that the so-called Confederate government, de jure at least, still existed, and that her country was confined to the States composing it; and her mind labored under an illusion as to defendant's unequalled sufferings and sacrifices, both moral and pecuniary, and his martyrdom in its defence, as well as regards his imagined superhuman virtue, patriotism and goodness, and all those excellences of character which would render a man the highest and noblest in existence; and that, instead of appreciation and veneration justly due him, her country, the confederacy, had heaped upon him only ingratitude, and to such a degree had her mind become disordered that some time previous to and at the time of the execution of her said alleged will and up to her death, her reason, as to her thoughts, sentiments, feelings and actions, in every regard wherein said defendant, his sentiments, feelings and wishes were in any, the least, manner involved, was practically dethroned, and but the reflex of what it conceived to be his wishes and desires, and insensible to ordinary and natural feelings, rendering it morally and mentally impossible for her mind to exercise an unbiassed judgment or perform a reasonable act wherein said defendant, his wishes and interests, pecuniary or otherwise were in her imagination involved.

OTHER CAUSES OF MENTAL DERANGEMENT.

Another cause injuriously during this time affecting her, both mentally and physically, was a disease erroneously believed by her to be necessarily fatal; and this, notwithstanding the positive assurance to the contrary of her physician, in whose judgment she had always reposed the utmost confidence, and owing to her continued erroneous belief in its existence, and against his admonition, she persisted in having performed a surgical operation which orators are informed hastened her death. All which the foregoing, as well as many other facts to be exhibited on the hearing of this cause, and which were well known to her relations and friends, are here set forth as refutation of defendant's said pretence "that not only was said testatrix of sound disposing mind at the time, before and after the execution of said will, but that the fact thereof had never been questioned."

At other times defendant allows it to be given out on his behalf and through the public press "that all statements and suggestions that he exercised a particle of influence over Mrs. Dorsey to induce her to make him her legatee are born of greed and hate, the filthy progeny of the *auri sacra fames*, and are unqualifiedly false, malicious and contemptible," meriting that "her lustrous eyes should wake from the lethargy of the grave and pierce with their scornful glances the foul ghouls who, under the guise of relationship," should so pretend or seek juridical investigation of said charge against said defendant; whereas your orators charge the contrary of all said defendant's pretences and denial to be true, and that defendant from a short time after he became a guest at Beauvoir until Mrs. Dorsey's death exercised an undue influence over her in all matters connected with her business, her property, including her relations with her family, and especially as concerned the making of said alleged will, as well as inducing her to execute the, under the then existing circumstances, exceptional power of attorney, and the subsequent transfer to him of the title to her homestead; that, perceiving her generous impulses to the weak and unfortunate, and her unsoundness of mind in the management of her property, and when, excited to admiration and unbounded esteem for those whom she considered pre-eminently great, and to an enthusiasm for a cause in which she became enlisted, defendant, through his acts, conversations and writings, took advantage of this, her weakness, to impress her mind with exaggerated thoughts and feelings regarding the late civil war, and himself as its leader, embodiment and martyr, and himself having a strong, grasping, arbitrary, and, at times, a domineering will, and in this respect strengthened rather than softened by his defeat, which created a morbid feeling or illusion that he really had suffered ingratitude from a people for whose liberties he had risked all, and in a written defence and continued advocacy of which he was passing the remainder of his days, he found it easy to impress and force upon her imagination, as a patriotic duty and as a reward for his services while living, to expend on account and in behalf of himself and friends beyond her revenue her estate; intrust him with an unlimited power over its management and disposal; though embarrassed, yet without money but for his simple notes of hand, to surrender to him the title to her homestead and most of its contents that he might enjoy fuller legal dominion over it, and to secure to him by will the exclusive ownership of her property at her death, and which power and exercise of undue influence were apparent to all who at times were members or frequent visitors of her family, and which influence said testatrix did not appear able to free herself from or her relations to induce the defendant to cease from. All which the foregoing as well as many other facts to be exhibited on the hearing of this cause are set forth in refutation of defendant's pretence that said alleged will and the bequest therein to him were not written through any undue influence exercised by him over the said testatrix.

DAVIS GIVES OUT A RATIONAL CAUSE FOR THE BEQUEST.

At other times defendant allows it to be given out on his behalf through the public press, as a rational cause for the bequest of her whole estate to him, a stranger, to the exclusion of her sister, brother and niece, that at the time of executing said will, said "relations were estranged from testatrix; that they had for years resided in distant communities, themselves in easy circumstances, and certain of them to a large extent had been the beneficiaries of her generosity; that none of them had of late years, nor, in fact, at any time, any good reason or right to expect to obtain her property; that the deceased had her reasons, and to those who are informed and disinterested those reasons are amply sufficient for acknowledging no obligation on her part to them, and had she not made this disposition of it she would have bequeathed it elsewhere than to her next of kin; that she had known and loved Mr. Davis from her girlhood with the affection of a daughter; that the friendship existing between Mrs. Dorsey and the family of Mr. Davis, and her affection for the younger daughter, were sufficient to prompt the donation, which could not have excited comment from those who were cognizant of the association."

THE HEIRS DENY THAT THE CAUSE IS EITHER RATIONAL OR TRUE.

Whereas your orators expressly charge the contrary of all these pretences to be true; and that the relations of the testatrix to her sister, brothers and niece were, until defendant arrived at Beauvoir and took up his residence there, of the most affectionate character, and so continued with all of them, with the exceptions hereinafter stated, to the time of her death, as will be made to appear by, besides other evidence, her correspondence with them.

The relations of Mrs. Dorsey with the other members of her family are stated and it appears that her sister, Mrs. Peckham, armed with a letter from young Mr. Dahlgren, endeavored to persuade Davis to remove himself and his influence from Beauvoir, but that he positively refused in harsh and severe language, and Mrs. Dorsey took sides with him, which brought about a separation between the sisters; but Mrs. Dorsey declared that, while her sister had done her no harm, she could never forgive her for her attack on Mr. Davis. Her youngest half brother, A. Mortimer Dahlgren, was invited by Mrs. Dorsey to leave New York, come and live with her and take full charge of her affairs. He consented and all the servants at Beauvoir were instructed to regard him as the head of the household, and yield him obedience. Young Dahlgren found that Davis was secretly undermining his influence and taking away his control, and in February, 1879, Mrs. Dorsey told him that she had conveyed the estate to Davis, but only to hold while he lived, whereupon Dahlgren said he would not live on Mr. Davis' place and went away. As an evidence of good feeling, Mrs. Dorsey offered him lands in either Louisiana or Arkansas, as he might choose. He selected Arkansas lands, which she promised to convey. She renewed the promise again while sick at the St. Charles Hotel in New Orleans, but was never strong enough to attend to any business.

Mrs. Dorsey's relations with her brother, S. Percy Ellis, and his family were always friendly. The interchanged visits and correspondence between them continued up to within a few weeks of her death. Her niece Lilian was adopted by Mrs. Dorsey as her own child, and this fact announced to Mrs. Ellis in an affectionate letter. A warm attachment also existed between Mrs. Dorsey and her half-brother, J. Adolph Dahlgren, and the attachment of Mrs. Dorsey for the widow and child of her deceased brother Thomas was remarkably strong. He was a Confederate officer, and died of disease contracted in the army in Mrs. Dorsey's house; she promised to support his child.

JEFF'S PRETENCE THAT MRS. DORSEY HAD LOVED HIM FROM GIRLHOOD.

Equally imaginary are the pretences that "Mrs. Dorsey had known, honored and loved Mr. Davis from her girlhood with the affection of a daughter," as the truth is that previous to his becoming a member of the Beauvoir family they had formed scarcely any personal acquaintance, and also her alleged friendship with the youngest daughter, for, as to the latter, Mrs. Dorsey never knew her until after the making of the pretended will.

JEFF'S EXCESSIVE HASTE.

The bill shows that Davis, on July 15, 1879, a fortnight after Mrs. Dorsey's death, filed a petition and obtained an ex parte decree that the will be admitted to probate forthwith, and for the issue of letters of executorship to the defendant, and that he, without previously qualifying as executor, or applying for an order of inventory, or in any manner showing to the Court the amount of the indebtedness of the succession; without tendering any security to creditors or deferring his application for a reasonable time within which creditors might, should they desire, demand of him security, or heirs might contest the validity of the will or any of its provisions, or the sufficiency of the testimony for its probate—proceedings not only usual, but as to most of them essential prerequisites to any demand by a testamentary heir or universal legatee to be put in possession of an estate; yet, notwithstanding this, said defendant on the said 15th of July, by representing to the Court that the testatrix left no forced heirs and owed no considerable debts; that he was willing to accept and take the succession pure and simple, and that in his opinion "there is no necessity of further administration" obtained an order "that as the sole and universal legatee of the late Sarah Ann Dorsey, petitioner Jefferson Davis be put in possession of all the property, real, personal and mixed left by her and wherever situated."

It is alleged that the will was admitted upon insufficient evidence and should not be allowed to stand as a muniment of title in Mr. Davis.

THE SALE OF BEAUVOIR TO JEFF.

The act of sale by Mrs. Dorsey to Davis of her estate at Beauvoir on February 19, 1879, is pronounced invalid, not only as having been obtained through undue influence, from a grantee whose mental capacity was not complete, without any consideration, either past, present or prospective; but likewise, because under his agency of May 10, 1878, the defendant had no legal right to purchase property intrusted to his absolute disposal," and that his consent to the sale of said property under these circumstances to himself, without any security for the payment of its price, and which was below its value, was a flagrant violation of the trust assumed by him as agent, and from which pretended sale he cannot morally or legally claim any benefit."

It is charged that all the acts and doings of Davis from the time of taking the general agency down to the decree of probate were parts of a preconceived scheme to get her property wholly within his power and hold it in despite of her heirs, and the complainants claim that the deed and will should be declared null and void and Davis compelled to surrender up possession and render an account of his stewardship. The following interrogatiories are then propounded:—

QUESTIONS FOR JEFF TO ANSWER.

Interrogatory 1.—What period during the lifetime of Mrs. Sarah Ann Dorsey were you a member of her family at Beauvoir, Harrison county, Miss.? Also during what period did the respective members of your own family reside there?

Interrogatory 2.—What, to your knowledge, were the reasons inducing Mrs. Dorsey to intrust you on May 10, 1878, with the respective powers "for and in her name to sue and be sued?" To purchase, alienate or encumber real estate situated anywhere? To borrow money, execute notes or other evidences of indebtedness? as granted by the notarial act of procuration passed before O. H. Violet, notary, on May 10, 1878, as set forth in exhibit A.

Interrogatory 3.—What, to your knowledge, were the reasons inducing Mrs. Dorsey to pass the act of sale of February 19, 1879, as set forth in copy of said sale, exhibit C? Why was no security, such as vender's lien or special mortgage on the property given by you to secure the payment of its price? What other, if any, property belonged to her in which she might subsequently have resided? Was she not at the time of said transfer in embarrassed circumstances? Did you not at the time know that she had often complained of such embarrassment? Was there not at the time of sale an inventory, list or statement of the various articles of personal property contained in the residence made out? If yes, please annex the same to your answers. What disposition, since the death of Mrs. Dorsey, of the said articles?

Interrogatory 4.—At the time of writing of your petition to the Second District Court were you authentically aware of the facts stated therein, that the contents of the sealed envelope superscribed as the will and testament of Sarah Ann Dorsey was dated January 4, 1878, and that by it you were instituted her legatee and executor?

Interrogatory 5.—When, where and under what circumstances had you the first interview with Mrs. Dorsey as to your becoming a member of her family at Beauvois?

Interrogatory 6.—Previous to the year 1876 had you or any member of your family been intimately and socially acquainted with Mrs. Dorsey? If so, where and during what period?

Interrogatory 7.—Either before or soon after your arrival at Beauvoir had you an opportunity of judging of Mrs. Dorsey's feelings toward her sister and nieces? If yes, what were her feelings? Were they not substantially as stated in this bill? If not, wherein and as to which ones of said relation did they differ from said statement?

Interrogatory 8.—At the time your petition was written asking as universal legatee to be put in possession of Mrs. Dorsey's estate, did you not have some knowledge, notice, information or suspicion, or reason for belief or suspicion, and in your conscience believe and suspect, that orators or some of them, would or might desire to contest the validity of her said will and its bequest to you, when they should have been made fully aware of its contents? And why did you not qualify as executor in order that such contest, if desired, might be raised against you as executor previous to the estate being surrendered to you as universal legatee? Or, why did you not allow a reasonable time to elapse for such a contest to be made previous to asking for such possession?

Interrogatory 9.—On or before January 4, 1878, had you any knowledge, notice, information, belief or suspicion, or reason for belief or suspicion, or in your conscience, did you believe or suspect that Mrs. Dorsey intended to institute you her sole heir? If yes, state the source of such knowledge and reason for such belief?

Interrogatory 10.—Assuming Mrs. Dorsey, on January 4, 1878, to have been of sound and disposing mind, and assuming her feelings to her next of kin and presumptive heirs to have been substantially as set forth in this bill, or as you, after your arrival at Beauvoir, understood them to be, is it, in your opinion, judging by your knowledge of human actions and the natural effect of such feelings, reasonable to believe that she would have bequeathed the entirety of her estate to a person in no way related by blood or marriage to her, to the entire exclusion of her next of kin, even to the extent of a kind remembrance or family souvenir, plate or jewel? If so, please state fully the reasons for such opinion.

Interrogatory 11.—In like manner assuming Mrs. Dorsey to have been at the time of sound and disposing mind is it reasonable to believe that she would have removed without any apparent cause her brother as her agent, and, without consulting with one who for years had been her husband's and her own steadfast friend and constant adviser, as was Dr. J. G. Hollingsworth, have granted to another such full and absolute power of disposal of her property as was that of May 10, 1878, being exhibit A? Or would have transferred the title to her homestead? Or if so, at the price and on the terms and conditions, not including even a vendor's lien or special mortgage on the property sold, as she assumed to do by the act of sale of February 19, 1879, as per exhibit C? If so, please state fully your reasons for such opinion. And also please state what motive actuated you in allowing her to grant to you such unlimited agency? And such a transfer of her property, and during the time you held such power of attorney? And without your first advising with Dr. Hollingsworth, or some of her relatives or friends, if you did not, in regard thereto?

Interrogatory 12.—What property, immovable and movable, had Mrs. Dorsey at the time (May 10, 1878) you became her agent? What were at that time her debts? What were her debts and to whom owed at the time of her death? What debts of her estate have you paid since July 15, 1879? What and to whom have you disposed of any of said movables and personal property, including books, furniture, plate, jewels, clothing, &c., since Mrs. Dorsey's death? What were the annual net revenues of Mrs. Dorsey during your said agency?

The complainants ask for a decree that the alleged will be cancelled and annulled as absolutely void, and the defendant perpetually enjoined from setting up or pleading the will, or the decrees of probate or possession against the heirs; that he make full and true discovery and disclosure of all his transactions as agent both during the life and since the death of Mrs. Dorsey; that he account for and pay over to their heirs all amounts to which they may be entitled, and that such other relief be granted as to the Court shall seem meet.

A COUNTER ACCUSATION.

JOSEPH VOLKMER SWEARS HE SAW MARY CONNOLLY POUR POISON INTO BLAIR'S GLASS.

There was a very large attendance in the Court of General Sessions yesterday, the trial of the Volkmers for administering poison to Charles E. Blair on Thanksgiving Day still creating a great deal of interest. Shortly after Judge Cowing entered the court room the defence called Abraham Newfeldt, of No. 142 Delancey street, to the witness stand. He testified that on Thanksgiving Day he saw Mary Connolly between eight and nine o'clock in the morning; she asked him where Eldridge street was, being, as was claimed, nearly two hours after the time that she said she made complaint to the police; he showed her the way; he subsequently overtook her and showed her the station house, she stating that she had been assaulted the night before and desired to make a complaint. Mr. Rollins, on the part of the prosecution, sharply cross-examined the witness. He denied being the chief of a gang of perjurers. He knew Abraham Perlstein, Abraham Freeman and Joseph Perlstein, who had been sentenced for life for the crime of arson in the first degree. Witness had been a keeper in the Tombs, but did not know he had been discharged at the request of Mr. Rollins. The prisoner, Joseph Volkmer, then took the witness stand in his own behalf; he said he was a native of Prussia, and that his full name was Joseph Alexander Tantz Volkmer; he arrived in the United States on the 8th of December, 1876, leaving a wife in Zelle, in the province of Hanover; he kept saloons in various places on the east side of the town; in the month of March, 1878, he met the prisoner, Mary Volkmer, who was a cook in a restaurant, and formed her acquaintance; they lived together in Houston street; in June of that year he went to Coney Island and told fortunes, Mary Volkmer being employed as a cook down there; both of them returned to the city last fall and kept a restaurant at No. 480 Canal street and subsequently kept beer saloons at different places, which he sold out; during last summer he again followed the business of fortune teller at Coney Island and on his return went with Mary Volkmer to No. 114 Essex street, where he lived on the profits of his Coney Island season. The witness totally denied everything that Mary Connolly testified to relative to the alleged poisoning of Blair. He further stated that when Blair came to his house Mary Connolly told him that she was going to get some medicine to put Blair asleep and rob him in order to get square with him, because she disliked him on account of his meanness, Blair having expressed a dislike to her; she said, moreover, that Blair, instead of ordering beer drank black coffee; witness saw Mary Connolly pouring out some liquid from a small bottle into a glass of beer; he took it from her and poured it into the sink; he did not know whether she subsequently poured out any more of the fluid into the beer which was given to Blair.

Mr. Rollins subjected the witness to a searching cross-examination. He said that in the month of March Mary Volkmer went to the Old Country. On being more closely interrogated he said instead of being in the Old Country she was incarcerated in the Penitentiary for shoplifting. The witness partially corroborated the story of Mary Connolly, as already detailed, with the exception that he attributed to her all the criminality with which he and his wife were charged.

The further hearing of the case was adjourned until Monday.

A TREACHEROUS APPRENTICE.

NEW YORK'S AID ASKED FOR THE ARREST OF A PARISIAN MURDERER—TWO LIVES FOR TWO THOUSAND FRANCS—DETAILS OF A TRAGEDY THAT HORRIFIED THE GAY FRENCH CAPITAL.

Two foul murders were committed in Paris October 5, brief mention of which was contained at the time in the HERALD's cable despatches. These tragedies received a local significance yesterday when Commissioner MacLean read a communication to the Police Board from the Paris Prefecture of Police. The document stated that the murderer had fled to this country, and the aid of the police was invoked to secure his arrest and hand him over to the French authorities, that the outraged majesty of the law might be vindicated. Curiously enough, at the previous meeting of the Police Board last Tuesday notification was received from the Custom House officials that a package addressed to the Board of Police Commissioners was in bond, and the duty demanded was $6 25. Accompanying this communication was a private memorandum which explained the particular character of the goods. They were scheduled as newspapers and private documents from the Paris Prefecture of Police. Thereupon Mr. MacLean remarked that he did not see why the department should be put to the unnecessary expense of redeeming such useless trumpery, and he claimed that the same quantity of old paper could be purchased in Ann street for one-eighth the amount of duty exacted by the customs officials. Mr. French thought, however, that it would be an act of official discourtesy to allow the package to remain in bond, and, there being no appropriation for such a purpose, he volunteered to defray the expenses himself of satisfying the demands of the government in this particular. Mr. French's experience as ex-Appraiser of the Port gave him facilities in this direction. He corresponded with his old clerk, still in office, and the latter examined the package and forwarded a letter therein contained, which explained the general character of the contents. This letter was from the Paris Police Prefecture, and was addressed to the Board of Police Commissioners. It was written in French, and was in substance as follows:—

A TERRIBLE CRIME.

On the 5th of last October an apothecary named Lagrange, a young man of estimable character, was found murdered in his cellar. With him lived a servant, a *bonne*, named Zélilie Gillott. She, too, was found dead by her master's side. The crime was traced, as the communication states, to an assistant apothecary, an apprentice, one Arnold Walder, a Swiss. Information was received that after the crime he fled to this country. Accompanying the package were photographs of the suspected murderer. One of these was taken when he was quite a young man; the other represents him as he looked at the time of his flight. He is twenty-three years of age and is respectably connected; has a high, prominent forehead, black mustache and scattering, dark chin beard.

The particulars of the double crime have not heretofore been made public. As gathered from the communication of the Paris police they were as follows:—The apothecary Lagrange had his chemist's shop in the Place Beauvais, at the corner of the Rue Miromenil. Here for a long time he carried on his business, possessing the confidence and respect of all who knew him. On the morning of the 5th October the shutters of his shop remained closed. This in itself was looked upon as a suspicious circumstance, as he was regarded as the soul of punctuality and was never known to be so derelict in his duty before. For a time, however, no practical steps were taken to explain the mystery. Later in the forenoon it was also observed that neither Lagrange nor his *bonne* was visible around the premises. At first it was surmised that they had gone into the country, where Mme. Lagrange was sojourning, to pay her a visit. Later in the day, however, the shutters were forced open and access was thereby gained to the store. A search revealed the two corpses lying side by side in the cellar. M. Mace and M. Delyse, *Procureurs* of the Republic, and M. Guillot, *Juge d'Instruction*, were soon on the spot. A careful investigation showed that the several rooms were stained with blood, and other evidences of a protracted struggle were visible. A heavy iron pestle of great size was found smeared with blood. This implement was evidently used in the assault which deprived the two unfortunate victims of life. It was also ascertained that robbery was the motive for the crime. The drawers had been pried open and ransacked of their contents. When life was extinct the bodies were dragged into the cellar for the purpose, it would appear, of temporary concealment.

SUSPICIOUS CIRCUMSTANCES.

The simultaneous disappearance of the apprentice, Arnold Walder, attracted suspicion to him as the murderer. He had been in the employ of M. Lagrange for some months preceding the tragedy. The most energetic measures on the part of the Parisian police have so far failed in the detection of the alleged criminal. He managed, as is supposed, to make his escape from France, and it is claimed that he is now sojourning in this city. Since its occurrence the tragedy has been the talk of Paris and has caused a profound sensation. Thwarted in their efforts to secure the person of the supposed murderer, the Paris police have accumulated a mass of testimony which, should he be apprehended and returned to Paris, will, it is claimed, result in fastening the crime upon him. It has been ascertained that the double murder was committed early in the evening, and that it was carefully planned and premeditated by the assassin. About five o'clock on the afternoon of the tragedy Walder was seen looking over an account book in the shop in the company of his master, M. Lagrange. Half an hour afterward the latter suddenly disappeared, and nothing was seen of him until the following day, when his corpse was found in the cellar. This fact is clearly established by the testimony of a nephew of deceased, who called at the house about six o'clock to keep an appointment to dine with deceased. He was met at the door by Walder, who remarked, "You have come at a very bad time, as M. Lagrange has just gone out to dine with a friend." The nephew, however, was not satisfied with the explanation and he insisted on remaining. Thereupon Walder proposed that he act as host, and offered to give the nephew a share of his dinner. The invitation was accepted and Walder proceeded to cook two eggs for his guest. He stated that inasmuch as the proprietor had taken away the keys of the cellar they would be obliged to sup on marsala. After the repast they remained in conversation for a time, the nephew taking his departure at seven o'clock P. M. Later in the evening a woman who keeps a kiosk opposite the pharmacy and who was in the habit of supplying the apothecary with a copy of the *Temps*, went to the house, but could not find the proprietor. The apprentice was in the shop and she noticed loose change scattered on the counter.

CONFLICTING THEORIES.

One theory favors the general belief that the victims were called separately to their rooms for some ostensible business and there murdered, their bodies being subsequently removed to the cellar. The police, however, maintain that M. Lagrange was called into the cellar by the assistant and there murdered. Immediately afterward, they claim, the servant was assassinated in the kitchen. The body was then conveyed to the cellar. The criminal subsequently robbed the safe of 2,000f., and toward nine o'clock in the evening he was seen carrying a large parcel from the dining room to the shop. It has been ascertained that he left the St. Lazare Railway terminus, in the direction of Havre, about eleven P. M. These circumstantial evidences of guilt have been corroborated by a letter written by the murderer to the widow of the apothecary, in which he distinctly announced his intention of murdering M. Lagrange and possessing himself of his property. He promised that if his fortune ever permitted he would refund to her the money he was about to steal.

The particulars of the double murder, with the photographs of the assassin, were placed in the hands of Superintendent Walling, with instructions that he place the case in the hands of Captain Kealy, chief of the detective force, and that every effort be made for the capture of the fugitive assassin.

MURDER AT SEA.

BALTIMORE, Dec. 12, 1879.

Abraham Annetta, a West India negro, and Francis Adams, a Manilla man, sailors, were arrested this afternoon by Deputy United States Marshal Hamilton on warrants issued by United States Commissioner Rogers on charge of murder on the high seas and attempting to destroy the schooner M. E. Henderson, of Philadelphia, bound to Baltimore with a cargo of phosphate from Bull River.

The vessel went ashore on the morning of November 30 near Kitty Hawk, N. C., and went to pieces. Annetta and Adams and another sailor not yet arrested were the only ones who escaped from the wreck, and as soon as they reached shore they started off without waiting for aid. The bodies of none of the officers have been found, which led to the theory that they had probably been foully dealt with by Annetta, Adams and the other survivor, who then beached the vessel in order to conceal their crime. The United States authorities deemed the case one that should be investigated, hence the arrest of the accused shortly after their arrival here from Norfolk. The hearing will take place on the arrival of parties from Philadelphia.

HAYDEN'S TRIAL.

How the Accused Clergyman Secured Evidence.

A MUSHROOM DETECTIVE'S STORY.

Medical Expert Testimony Introduced by the Defence.

NEW HAVEN, Conn., Dec. 12, 1879.

Some interesting testimony was given in the Hayden trial to-day. The witnesses were residents of Rockland or vicinity and represented the Hayden faction as opposed to the anti-Hayden faction, whose ranks have been so freely drawn upon by the prosecution. The amateur detective employed by the defence was examined pretty sharply by the prosecution, but made no damaging slip excepting in a single instance. The testimony of the day closed with that of Professor Hubbard, of Yale College, that the ovarian tumor, with which Mary Stannard was afflicted at the time of her death, would not occasion any symptoms of pregnancy, as the medical experts for the State, Professor White, of Yale College, and Dr. Jewett, of New Haven, had testified. He was also questioned as to the probable flow of blood from a person whose throat was cut. This was to support a theory of the defence that Mary Stannard was not killed at the place where her corpse was discovered. Professor Hubbard's testimony in chief was very satisfactory for the defence, but a skilful cross-examination by Judge Harrison shattered it materially. Many gentlemen of the medical fraternity were in the court room and enjoyed this return to the scientific features which characterized the early part of the trial.

PERSONATING THE MAJESTY OF THE LAW.

J. Sherman Buell was called to show that Deputy Sheriff Hull, who was employed by the State in looking up evidence, used improper means. Buell testified that Hull came to him and asked for the arsenic found in Hayden's barn; Buell denied to him any knowledge of the arsenic or as to who had taken it; Hull then said his orders were to arrest any man that had it and would not give it up as an accessory to the murder of Mary Stannard. The matter of the testimony of a Mrs. Ward that on the afternoon of the murder she saw a man (supposed to be Hayden) crossing the road toward the Big Rock was taken up. Witness heard her say, in telling of the affair, that she saw "a man or something," and that it was near the spring. This is 300 feet or more from the place indicated by the woman herself when on the witness stand.

Judge Harrison, for the State, cross-examined the witness:—

Q. Did Hull say that he would arrest you? A. No, sir.

Q. Did he not say that if any one had the arsenic and refused to give it up he made himself liable to arrest as an accessory after the fact? A. No; he said what I have stated.

Q. You didn't write it down, so as to be sure to preserve the distinction? A. No, sir.

Q. Now, as to Mrs. Ward. Didn't she tell you she didn't know just where the spring was? A. No, sir.

Q. Didn't she say she wouldn't fix the exact place where the man was, as to the spring, until she knew where the spring was? A. No, sir; I am certain she didn't.

Q. You were travelling around at this time with a Mr. Perry, employed as a detective by the defence? A. Yes, sir.

Q. You were a grand juror of the town of Madison, and you knew at the time that Mr. Hayden was under arrest in New Haven? A. Yes, sir.

Q. You didn't know Perry was in the employ of the defence? A. No, sir; my object was to get facts; if we found anything in the interest of the State—well, so be it; and if in Hayden's interest—well, so be it also.

Mr. Harrison smiled sarcastically at this.

Q. Did you send word to the State Attorney about anything you learned? A. Yes; I sent word about Mrs. Ward's story to him by Judge Wilcox.

This provoked a general smile, for Judge Wilcox is notoriously one of the strongest friends Hayden has had from the beginning.

HAYDEN'S DETECTIVE TESTIFIES.

William H. Perry, of South Madison, who has been employed by the defence for some months as a detective, testified to calling with the preceding witness, Buell, upon the deaf woman, Mrs. Ward; the call was prompted by a newspaper publication of what she had told about seeing a man crossing a road on the afternoon of the murder; witness said this Mrs. Ward, in reply to his questions, stated:—Near the forks of the road below the Hayden house I glanced up the road toward the Stannard house and I saw a man "or something;" I don't know whether it was two or three rods; I am not a good judge of distances; it was further than from my house to my barnyard fence; I know where the spring is and am not certain about it; the man "or something" was at the spring or a little above; I only had a glance, and when I turned back from feeding my horse the object was gone.

The cross-examination was watched with interest. It was by Mr. Waller, who is brilliant in this class of legal work. He first obtained an admission from Perry that he was a painter, and left a piece of work uncompleted to investigate certain matters in the Hayden case. Proceeding, apparently, on the hypothesis that Perry may have had something to do with placing the tin box of arsenic in the Hayden barn (the State claims it was placed there at Hayden's instance, to manufacture testimony), Mr. Waller questioned him very closely as to the circumstances of his first visit to Rockland, September 15, two weeks after the murder. However, nothing was obtained, Perry insisting that he did not go upon the Hayden premises at all during that day. Three weeks later, October 8, he went there to help to move some of Hayden's effects. He denied that at this time he was employed for the defence, nor on the 18th, when he called on Mrs. Ward. This latter visit was sharply inquired into.

Q. When you stopped, *en route*, at the house of Mr. Wilcox, where Mary Stannard had once worked, did you inquire about her moral character? A. No, sir; but I asked whether a certain young man had ever called to see her there.

"We object to all this," exclaimed Mr. Watrous.

Chief Justice Park—I presume the object is to show the interest this witness had in the case.

"That's all, Your Honors," responded Mr. Waller.

PUZZLING POOR MRS. WARD.

Being closely questioned as to whether he read the newspaper report about Mrs. Ward to his companion, Buell, on the ride up to her house, he denied it positively. Three minutes later his flat contradiction by saying that he had read it produced a derisive smile on the faces of jurors and spectators.

Q. Didn't you make every attempt to make the old deaf lady give a wrong statement about the spring? A. No, sir.

Q. After you left didn't Buell and you congratulate each other on the result? No, sir; but we knew she was all wrong.

Q. So on the 18th of October you cast your bread upon the waters, and four days later it came back when you were employed as a detective? A. Yes, sir; Mr. Hayden's father employed me.

Q. What for? A. To ascertain anything regarding the guilt or innocence of the accused.

"Pretty broad commission," exclaimed Mr. Waller.

Q. Have you been paid all the time? A. Not all.

Q. Where's your account book? A. It is at home.

Q. You are not biassed in this case, are you? A. I have no more bias than any other man.

Q. Up to the time you were employed as a detective you had been a painter or farmer? A. Yes, sir.

Q. Didn't the old lady (Mrs. Ward) say that she would know it was a man crossing the road by seeing his pantaloons? A. No, sir. (The old lady and her daughter as witnesses for the State testified that this remark was made.)

On redirect examination witness stated that it was the daughter who made the remark, "Mother, you would know it was a man by the breeches, for you have seen men enough." The defence next proceeded to show that Perry's first visit to Rockland was a matter of mere curiosity, thousands of people having visited the place.

"Oh, yes, but they were not subsequently employed as detectives," interrupted Mr. Waller.

The Court ruled out the inquiry, and another whether the Rockland people did not go around and show visitors all the places of interest.

By Mr. Waller—When you called on the old lady you knew that a man at the spring couldn't be seen from the forks of the road? A. I wasn't positive about it.

Q. Didn't the daughter intimate to you that you had been bothering around that old deaf woman about long enough, and that you had better leave? (Laughter.) A. No, sir.

The court room was packed at the afternoon session.

RATS.

Thomas Pendelow, of South Madison, testified that he was an official of the Methodist church where Hayden preached at the time of the murder, and that after the arrest he assisted in saving crops, &c., on Hayden's place. Continuing, he said that some months previous he had been told by Hayden that his place was overrun with rats, and Hayden again spoke of it three weeks before the murder; on this occasion witness told Hayden about raising a lot of peas, but as they were planted between rows of potatoes on which Paris green had been put his wife wouldn't let him bring any of the peas into the house, because she was afraid of being poisoned; "I told him that I proposed then to give them away to some of the neighbors, for I didn't want them wasted"—(great laughter); "my wife objected to my giving them away"—(renewed laughter); then this subject of rats came up again, and Hayden said his wife was afraid of having poison in the house; in further conversation witness told Hayden about a body having been washed ashore in the town and the coroner's inquest that was held; the object in bringing this out was to show a reason for Hayden's ready suggestion to send for a coroner when Mary Stannard's body was found.

Cross-examined—What poison did you recommend to Mr. Hayden for rats? A. Arsenic.

Q. On that day, when you talked about the rats, did you give him anything? A. I gave him his supper. (Laughter.)

Q. Rats are numerous in various places in Rockland? A. They vary.

Q. Which, the rats or the places? A. Both; I've known rats to move to new places.

Q. Rats that you've known, then, travel round? A. Yes, sir. (Laughter.)

The next witness, Etta J. Bartlett, was a rather fine appearing young lady, plainly but neatly dressed. Her testimony was solely to the effect that she heard Hayden, on the day after the murder, ask his wife for his knife and then saw him get it from the kitchen.

MORE SCIENTIFIC TESTIMONY.

Dr. Stephen G. Hubbard, professor of obstetrics and diseases of women and children in Yale College, was called on the matter of the ovarian tumor with which Mary Stannard was afflicted at the time of her death.

Q. What would be the effect of such a tumor upon the person? A. Such a tumor produces no symptoms recognizable by the person or physicians; the person is not conscious of the existence of a tumor of that age and size; these tumors are frequently seen, but I cannot say they are common.

Q. Would this tumor have produced any symptoms of pregnancy? A. It would not, sir—(this was flatly contradictory of the evidence of the State's experts)—it would not affect the menses or the appearance of the bosom; at that stage it was perfectly harmless and innocuous; it is not uncommon for medical men to detect such tumors—larger ones—when the patient never suspects their existence; a tumor of this kind never produces any symptoms until large enough, by pressure, to interfere with the functions of some adjacent organ or make some change in the abdominal shape; it would need to be as large, certainly, as a small orange; even then a patient might not know of its presence.

Professor Hubbard was next questioned as to the amount of blood which should have flowed naturally from the stab wound in Mary Stannard's throat, the body lying upon sloping ground, with the head thirteen inches higher than the feet. "A human body," he said, "is about one-eighth blood, weighing about a pound to a pint, or fifteen pounds to a person weighing 130 pounds. This would be about eight quarts, but I cannot give the exact quantity."

Q. Very little blood having been found in the body, how much blood probably flowed therefrom? A. Several pounds, I should think.

"What is the object of this?" inquired Judge Harrison.

A STARTLING THEORY ADVANCED.

"To show that Mary Stannard's body may have bled somewhere else before it was brought to the place where it was found," replied Mr. Watrous.

Judge Harrison characterized this as another of the absurd theories advanced by the defence, and he had understood some time ago that this particular theory had been abandoned. Now if the defence went into it the State would claim the right to produce in rebuttal the evidence originally prepared to meet this claim if it had been made. The State had regarded the theory as moonshine, but now the defence appears to regard it as cheese. The State had not attempted to put in again any of the several things taken out, and the defence should hold to the same rule.

Mr. Watrous denied that any such withdrawal had been made.

Q. Now, Doctor, assuming the body lay on compact ground and there was found two or three hours after death a pool of blood only eight inches in diameter, and there were no other marks of blood, excepting where it had flowed in the stream from the throat, what would it indicate? and as to whether the stab was inflicted there? A. If no blood was found in the body the theory that she bled to death there would be untenable; the area described could hold but a small portion of the blood which would naturally flow.

Q. What amount of blood would discolor the earth to the depth of an inch in the area named? A. A pint would do it.

Judge Harrison conducted the cross-examination.

Q. Wouldn't the bleeding stop sooner if the body was in a sloping position? A. No person stabbed loses all his blood.

Q. What proportion would such a person as Mary Stannard lose? A. I cannot say.

Q. Don't you know that when butchers kill animals and cut their throats they hang the animals head down so as to strip the veins of blood? A. I have seen them so hung, but didn't know the object.

Q. You have noticed that meat, even after this, has considerable blood in it? A. Yes, sir.

Q. With the throat cut as Mary Stannard's was, how long before a person would die? A. As soon as the blood had been so reduced that the heart ceased to act; perhaps a few minutes.

Q. Now if a dead body were taken and carried a mile and laid down with the head thirteen inches higher than the feet, would you expect it then to bleed out blood enough to make a puddle that if examined eight days after would leave the soil saturated two inches deep? A. It would depend somewhat upon the position in which the body was carried.

Q. Would the wound in a body so removed have voluntarily reopened and made such a pool? A. No, sir.

Q. If the body had been carried, wouldn't it leave traces along the route? A. Yes, sir.

Q. If the throat was cut at Mary Stannard's father's house, 2,500 feet away, and carried to the place, wouldn't there be blood somewhere on the route? A. I should expect to be able to trace its progress by the blood.

Q. The flow might depend somewhat upon the force with which the blood was flowing? A. Yes, sir.

Q. A person might be practically dead and the blood flow? A. No, sir; not very much.

Q. Suppose the throat were cut one moment after death, you would expect the capillary force to empty the blood slightly? A. Yes, to some extent.

Q. If the body was in a slanting condition the capillary force wouldn't pump very much blood up hill to the wound? A. No, sir.

Q. You are familiar with the action of arsenic? A. I did not know that I was to be questioned about it, and so I have not thought over the matter.

Q. Suppose a person had ninety grains of arsenic put in the stomach at quarter to three P. M. and by blood circulation the poison was carried into the brain, and at twenty minutes past three the person was stunned with a blow, and the poison and blow had substantially killed the person, and the throat wound was then inflicted, would any more blood be thrown out than would be ejected by the capillary force? A. Very little; there would only be a passive hemorrhage.

Q. You wouldn't expect to find over a pint ejected? A. Perhaps not, but I don't think you have put a fairly supposable case.

Judge Harrison requested the witness to inquire into the effects of arsenical poisoning for further cross-examination next week.

The Court then adjourned to Tuesday next, at ten o'clock.

VAN KLEECK'S DEFENCE.

INSUBORDINATION ON BOARD THE CASHMERE AND FEAR OF BODILY HARM ALLEGED AS HIS REASONS FOR FIRING AT JANSEN.

The examination of the charge of assault, with attempt to kill, which was preferred by Alexander Jansen, a seaman attached to the American ship Cashmere, against Mortimer M. Van Kleeck, was resumed before United States Commissioner Allen yesterday. Assistant District Attorney Angell appeared for the prosecution and ex-Assistant District Attorney Herbert Hull for the defence. When the case was called the accused testified in his own behalf. He said that the crew of the Cashmere were of various nationalities, and were very hard to get along with. They were sullen and discontented, and inclined to be insubordinate. The defendant said he had sent the complainant (Jansen) aloft and had told him not to cut the "seizings." In spite of orders Jansen did so, and when accused of the fact denied it. He ordered Jansen to go to work, and instead of doing so the sailor began to talk back. Witness put his hand on the man's shoulder, and, shoving him toward the rope, said, "Go on with your work and don't answer back." He had no sooner said so than the complainant struck him in the face with his hand and made a motion as if about to draw his sheath knife. They were standing about three feet apart at the moment, when the witness, believing that he was in danger of bodily harm, and that it was his duty to quell the spirit of insubordination which he believed he saw around him, drew his revolver and fired one shot. He did not intend to hit the man, but merely proposed to frighten him. The mate denied that he had said "I will shoot any man who attempts to interfere with me." Mr. West, counsel for Captain Oliver, testified that Jansen's reputation for truth and veracity in Boston was not good, and that members of the Cashmere's crew had told him that Jansen was a "blower," who had no regard for the truth. For the defence a paper signed by nine members of the Cashmere's crew on May 3, 1879, at Java, certifying that they had been treated with kindness by the captain and the mate, was put in evidence. When the encounter took place between the accused and the second mate, off Hatteras, however, it is alleged that the crew got together and wrote out the statement upon which this charge and five other charges of assault are pending against Van Kleeck. R. M. Datow and A. Mekow were placed on the witness stand by the prosecution to show that they did not understand the nature of the paper they signed at Java in relation to the kindness of the captain and mate. The examination will be resumed to-day.

BALBO IN HIS CELL.

Pietro Balbo, the Italian murderer, was yesterday visited in cell No. 4, on the ground tier of the Tombs prison, by Rev. Father Anachetus, of the Church of St. Anthony, in Sullivan street. He talked with the clergyman for about an hour, and expressed a wish to be served with fish diet on Wednesdays, Fridays and Saturdays. It is said that his friends are raising money in an effort to secure him a new trial.

THE HAND OF CHARITY.

The HERALD has received the following subscriptions for the Villard Valdes family at No. 11 Pell street:—"Always With You," $2; Harry, $10; A. M., $2; Two Cubans, $10.