

ON THE RACK.

[Continued from First Page.]

York. They parted with every evidence of good feeling and sincerity on the part of the plaintiff to carry out the agreement between them whereby she was to go to New York. That evening a boy came to the hotel and said Miss Pollard wanted to see him, with a message requesting that he take her to Mrs. Blackburn's, where she wanted to stay all night. He took her to Mrs. Blackburn's house. Monday she came again to the hotel and presented to him an additional schedule for clothing. She wanted a little more money to make preparations to go away.

The next day she sent him a note and they took lunch at the Shoreham. They talked again of the trip to New York and she told him the name of the physician in whose care she was to put herself, and witness told her that this doctor was a comrade of his in the war.

SAW MISS BLACKBURN.

The next day after this the plaintiff came to see him again and on the night of that day they saw Mrs. Blackburn, who, after hearing their explanation, said she would wash her hands of the whole matter. Mrs. Blackburn approved of the agreement for the plaintiff to go to New York. The following day the plaintiff came to the hotel and a conversation ensued between them as to a further conference which it was proposed should be held with Major Moore prior to her going away. As he described how he had visited her off Colonel Breckinridge gesticulated very impressively with both hands and explained the whole interview in pantomime. There was a tragic inflection to his tones as he closed the account of his visit to Major Moore's with "Then I left her!" There was a constant reiteration in the defendant's denials. He would frame them in every possible form of negation of time, place and manner.

Continuing the description of the second visit to the major, he said: "We agreed to say that she was going to New York to have a child and that I was the author of her pregnancy. We agreed on all but one point. She insisted, crying several times, that I should tell Major Moore. I was the only man who had ever been intimate with her. I declined to do that. Said I had put myself in the power of her and Major Moore already and I would refuse to say to any man that I had seduced her. Then she said she would not go. As she turned her jacket back I saw the gleam of a pistol in her bosom. I said: 'You are sitting close to me,' and she said 'I will use that on myself if I do anybody.'"

Then describing the scene at the office of the chief of police where they sat on the sofa he said: "She seemed to be dissatisfied with the form in which I made the statement. She took out the pistol and looked at it. I said: 'You had better let Major Moore take that and make me a Christmas present of it.' Then I said that nobody could say that I had seduced her, because the first night I saw her I took liberties with her and the second night I slept with her."

The account of this interview in Major Moore's office differed from the version of it given by that officer and the plaintiff. Continuing his recital regarding the arrangements for Miss Pollard's visit to New York for confinement, Colonel Breckinridge said: "She only wanted to arrive there with \$10 in her pocket because she was afraid if she had more she would come back to Washington. She was to stop at No. 7 Thirty-first street, where she would have good care. She was to study painting on china or in water colors when her strength would enable her to and to continue her studies in English literature."

THOUGHT IT WAS SETTLED.

He said: "I considered the problem settled, so far as Washington was concerned, so far as Mrs. Blackburn was concerned, so far as our relations were concerned. The only thing left open was regarding the child. I said to her that if it was my child, as I only partially believed it was, I wanted to educate it, to take care of it, to give it every chance possible for a child born out of wedlock, and in the meantime she was to have every care and tenderness. We parted without anger and on this understanding."

Speaking of the reasons for leaving Washington the last of May, Colonel Breckinridge said they were not connected with the case but were most insuperable reasons, relating to his younger son who attended Washington and Lee university, and was in great difficulties. He took the dispatches which he had sent Miss Pollard during this trip and read them with great educational effect. The burden of most of them, which have been already published, was that she should make herself comfortable. "That was just what I meant," he commented; "that she should make herself as comfortable as possible. Nothing more; nothing less."

Two dispatches received in Covington he said he suspected were from the plaintiff, with the name of her landlady as a blind. Miss Pollard had gone to New York on the 18th of May and returned on the 19th. After arriving in Lexington he received a telegram to the effect that Miss Pollard was coming there. He returned a message, the principal part of which was, "Wait, it will come," referring, he declared, to money. This correspondence was reviewed at length.

He seemed to be amused when he spoke of a Cincinnati paper sent by his son containing "an announcement of the engagement between the plaintiff and myself."

"Meeting somebody on the street in Lexington they spoke of it," he went on, "and I denied that such a marriage was possible."

"Did you," asked Mr. Butterworth, "have any criminal relations with the plaintiff after the 29th of April, 1893?" (This is the date on which the defendant was secretly married to Mrs. Wing.) Mr. Breckinridge: "I did not after the 29th of April, 1893. I did not have any such relations with the plaintiff whatever. It is absolutely false. I never had intercourse with the plaintiff after I returned to Washington on the 31st day of March at any time or place. I returned on the 31st day of March and had the conversation with Mrs. Blackburn. The arrangement made prior to my going to Mrs. Blackburn's, and as the only reason I would go to Mrs. Blackburn's, was that our relations should terminate; that she should leave the city of Washington, and that the relations between herself and Mrs. Blackburn should be allowed to die out gradually, and I should support her until she should find some honorable vocation."

Speaking of the plaintiff's employment in the census office, Col. Breckinridge said that she had lost it during his absence when, he thought, she was badly treated. (Miss Pollard made a remark expressing gratification at the death of Gen. Sherman, as was published at the time, although Mr. Breckinridge did not mention it.) He had infringed in his power to assist done everything in his power to assist her to obtain reading matter, but he had never advised her about her studies,

except to endeavor to make her take up rudimentary studies in which she was peculiarly deficient for a woman of her reading. He had assisted her in getting books from the congressional library, sending a list by the page. Had never furnished her with a translation of the Odyssey. It was ten minutes before twelve when Mr. Butterworth announced that the direct examination had finished although there might be a few more questions, and asked for a recess to enable him to look over his notes, so the recess was announced earlier than usual until 12:45.

CROSS-EXAMINATION BEGINS.

Jerome M. Wilson took Col. Breckinridge in hand for cross-examination after the recess. The first questions were directed towards eliciting from defendant admission that in his early law practice friends had been obliged to make good sums of money improperly appropriated from clients. Col. Breckinridge was obliged to explain his connection with the Presbyterian church, which had been passive rather than active. He had lived in Lexington within four squares of the house occupied by Sarah Guess, and had known the character of the place for twenty years. He also admitted that he had visited the house before he went there with Miss Pollard.

"Then I understand," said Mr. Wilson, "that before you met the plaintiff you had for years known Sarah Guess, known the character of the house, known the location of the house and had been there before you went with the plaintiff?"

"Each of those statements is true."

Turning to the letter produced by the defense and purporting to have come from Miss Pollard, Mr. Wilson asked where the envelope was. Mr. Breckinridge replied that it had been lost. It was his general custom to preserve all his letters, but the first letter from the plaintiff he could not find.

ONLY ONE LETTER SAVED.

"You have received a great many letters from her?"

"I have."

"And you are only able to produce of all of them what is called this wooden or dummy letter?"

"I do not admit that it was a dummy letter. I have not said so. After the relations which grew up between the plaintiff and myself on the first of August, '81, I did not want to preserve the letters because of many references in them."

"You have received many telegrams from the plaintiff?"

"I never was in the habit of preserving telegrams."

"So that of all your correspondence with the plaintiff extending over nine years you have only this letter?"

"It seems so."

Mr. Wilson requested a specific account of all Miss Pollard had said during the first visit of Colonel Breckinridge to the Wesleyan seminary, and that interview was again dissected, the colonel denying that Miss Pollard had said it was part of her agreement with Rhodes to repay the money he had advanced for her schooling, if she did not marry him, but explained that she had asked if it would not be all right if she repaid the money.

In his most pathetic tones the colonel repeated all the details of the interview, how she had insisted upon telling him all and he had remonstrated that there were things she probably did not want to say to a stranger, advising her to go to her grandfather, mother or uncle.

"There is an impression on my memory, although I cannot remember her language after ten years, that she said she had given him even a higher proof of her intention to marry him. Then I told her that she could not afford not to marry him."

"And that same rule would apply to man, under the same circumstances."

A PECULIAR FACT.

"Well, that is a question of casuistry or sociology I would not care to answer. If you ask me whether I would advise a young woman who had sexual intercourse with a man to marry him I would say yes, but with a man it would be different, for the knowledge of it by the public would destroy the woman and only injure the man."

"Oh, it would not injure him as much as the woman. Society looks upon these things differently. If a young man should come to me under certain circumstances, I would advise him to marry a woman; under other circumstances I would say to him, better death or hell. I am not talking of the justice of it."

"Oh, no," interrupted Mr. Wilson, with a contemptuous air, "I was not asking you about justice."

"Are you a member of the Christian Endeavor Society?"

"No, sir."

"Did you take the Christian Endeavor pledge?"

"Never. To be candid, I will say that I was twice invited to deliver an address at the annual meetings in New York and Montreal on the possibilities of the present age. I wanted very much to deliver that, but was prevented."

By further questioning Mr. Wilson elicited the information that the colonel last June had delivered a speech to a woman's society in Nashville, and been presented with a basket of flowers. He denied that he had said that he had no wife to present them to, in his response, and was anxious to explain what he had said, but Mr. Wilson would not permit.

"Are you a member of the Masonic fraternity?"

"I am."

"You knew that Miss Pollard's father was a Mason?"

"I did not. I knew that he was an Old Fellow."

"Are there any obligations to widow or daughters of members growing out of membership in these organizations?"

and to compare your relations with her to those of Leves and George Eliot.

"Oh no. My relations with the plaintiff were much more improper than those of Eliot and Leves." [Very coyly.]

Continuing he described how Miss Pollard had talked during the famous carriage ride of her aspirations to be an authoress and how he had encouraged her telling her that other women had been authors but it was a matter of work like any other vocation.

"When you put your arm around her, had there been anything of a suggestive nature?"

"Well, I cannot answer that definitely. There was no particular word or act that I could lay my hand on. There was just something internally that moved me to it. If she had reproved me, I could not have said 'you have encouraged me,' and yet I would have been surprised if she had reprobated it."

"You were a man of 47 and she a girl of 17 to 21."

"That was all true and much more. No man in America had less excuse for such an action than I with the domestic surroundings I then had. I have attempted to make no excuse for it, it just happened so."

"And the fact that she was a young girl at school makes it all the worse."

"You cannot frame words too strong to characterize it. I have not attempted to justify it or even defend it, and all the hell I have suffered since then I have deserved."

HIS DEFINITION.

"Then I understand you to say that the enormity of the act cannot be over-estimated?"

"There is but one punishment which I have not deserved, and that is to marry the woman who was concerned with me in the act."

"As a lawyer, since you claim you did not seduce her, will you tell us what you consider seduction?"

"I mean to say that I did not seduce her by any protestations of love or reward; that she did not come to me a maiden or a virgin; that I did not seduce her in the physical sense that she came to me a maiden and I left her otherwise. Nor, in the lower sense that I did not offer her money."

"Do you not know that a dumb man can seduce a woman; that by taking her in your arms and exciting her passion, without opening your mouth or winking your eye, you can seduce?"

"I am not prepared to attempt under oath to give a definition of seduction. I only know that what happened in that carriage that night was not seduction."

"Now, you went there as her attorney?" asked Judge Wilson, after going over the giving of the ten-dollar bill to Miss Pollard.

"Oh, no; there was no thought of my going in the capacity of attorney. There is the letter, it speaks for itself."

Describing the interview on the train, the colonel said:

"I suggested to her that if she stayed over in Lexington, wouldn't she meet me and asked if there was any place she could go. She said she could go to Sarah Guess's house and with some surprise I asked: 'What do you know about Sarah Guess?' She said that Mr. Rhodes had once tried to get her to go there with him and she had gone as far as the gate but refused to go in."

Miss Pollard had known the way to the house, the colonel continued, and then in response to questions as to his going home to dinner and returning to the assignment house, he responded:

"I did, I did," with bowed head.

"The next morning did you go to church?" Mr. Wilson persisted.

"No."

"To Sunday School?"

"No."

"To Bible class?"

"I was not a member of any Bible class," responded the colonel, lifting his head and tossing back his silvery mane.

The lawyer asked if Mr. Breckinridge had taken Miss Pollard to the house of Mrs. Rose in Cincinnati when they went there. He replied:

"I want to be candid, and will say frankly that I did not take her in the sense of going on the same train, but we had made the arrangements to go in Lexington."

Later in speaking of the visits to Sarah Guess, he said: "There were no solicitations. We would meet, walk along the street together and the matter would be arranged."

A SENSATION.

"Do you know a woman in Washington by the name of Louise Lowell?"

Colonel Breckinridge looked puzzled and declared that he knew no such person.

Then to Mr. Wilson's inquiry whether he remembered a typewriter whose machine was in the corridor of the capitol, he said that he had always been a typewriter and stenographer, but he could not remember her name. If she was produced he might recognize her.

"You have said you wrote no letters to her in 1886," continued Mr. Wilson, "now did you take to that lady in February of 1888 a manuscript letter beginning 'My Dear Sister Louise,' and ask her to render it into typewriting?"

"I decline to answer that unless you show me the paper you are asking the question from. I have given you notice to produce all the letters you have from me and you have said you had none," the colonel for the first time getting somewhat excited.

"Let me see the letter," persisted Colonel Breckinridge.

"That will come out in due time," remarked Mr. Wilson, coolly.

"Now, to refresh your memory, did you not, in that communication, refer to the disparity of ages between yourself and your 'dear sister Louise.'"

More protests that the letter should be produced, to which Mr. Wilson said: "For the comfort of yourself and your attorneys I will say that the manuscript was returned to you."

"Well, now, you need not make such statement, for I don't care anything about it, either way," interposed Colonel Breckinridge, wisely nettled.

"And to further refresh your memory," continued Mr. Wilson, "did you not say how anxious you were to get back and meet your dear sister once more?"

"I have not the faintest recollection of any such letter, and I don't care to discuss it," responded the defendant.

"If you will bring the Lowell woman here, if there is such a person, and let me see whether I have ever known her or whether her testimony is a fabrication like that of Sarah Guess, I can tell you."

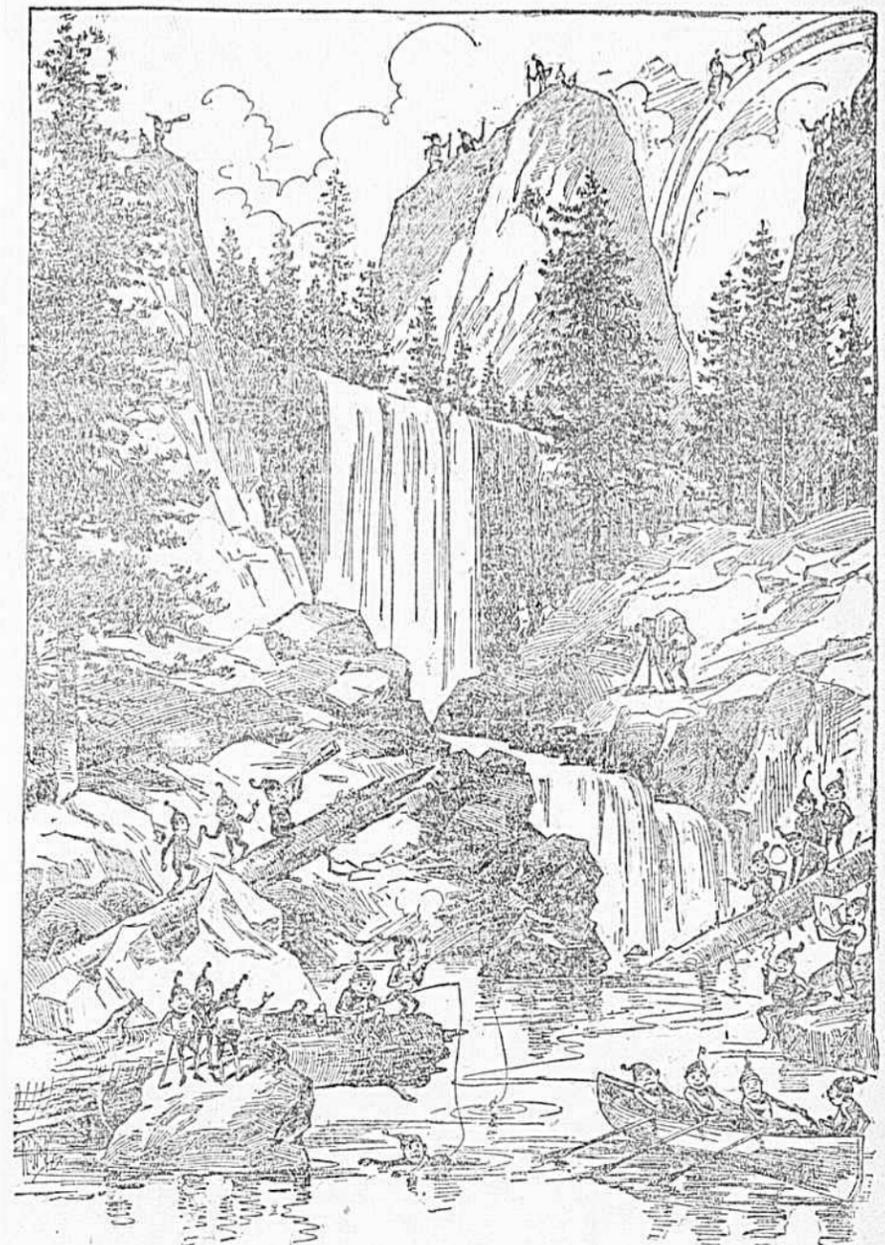
"I can only say, if you bring the lady here I can tell you whether she ever did any work for me."

The court here nodded for adjournment.

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