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PAGES 9 TO 16.

SATURDAY, FEBRUARY 29, 1896.—SIXTEEN PAGES.

PAGES 9 TO 16.

TO THE CHAIR BY HIS CHILD'S STORY.

Charles Pustalka Found Guilty of Murder in the First Degree.

Pauline, Ten Years Old, Saw Him Cut Her Mother's Throat and Stab Her.

Vivid Details of the Struggle, the Knife Thrusts and the Bloody Roll of Money.

AS SHE TALKED HER FATHER MOANED.

Hated Her Papa, the Little Girl Said, Because He Had Hurt Her Mamma. The Penalty is Death by the Electric Chair.

Charles Pustalka, a butcher, lived with his wife, Antonia, in No. 515 East Thirtieth street. There on August 13 last he cut her throat and stabbed her twenty times. He suspected her killing. The trial began on Thursday before Justice Keogh in the criminal branch of the Supreme Court. Pustalka was convicted yesterday.

Until Pauline, the ten-year-old daughter of Charles Pustalka, was brought into court yesterday he had been a seemingly stolid listener to the testimony. He is a middle-aged Austrian, strongly built, with light brown hair and mustache, good forehead, well formed chin, ears and mouth. Pauline is a round-faced, blue-eyed, blond-haired child. She was neatly dressed and the excitement of appearing as a witness had sent the color into her cheeks.

Justice Keogh would not permit her to be sworn owing to her youth. He said that she might tell her story to the jury and it would rest with the prosecution to corroborate it. Pauline began her narrative in a low voice, so low that counsel for the prosecution and defense had to approach her closely to understand what she said. She had spoken only a few words when Pustalka cried out in agony: "My poor little child! She, too, is going against me. My God, is there no one left me?"

Pauline's eyes filled with tears, and she soon was sobbing as though her heart would break. The spectators were greatly moved. Justice Keogh also was visibly affected. He directed that the child be temporarily removed. This was done. After she had left the witness stand Pustalka regained his composure somewhat, and she was testifying he again began to cry, but the child did not again lose her self-control. Assistant District-Attorney Miller treated her with the utmost consideration.

"Where was your mamma when she was killed?" he asked. "In the bed room," she replied, in a weak little voice. "Who killed her?" The child hesitated about a second. Her eyes sought the bent figure of her father. "Papa did," she answered. A wall came from the prisoner, long and deafening. He rocked to and fro in his seat.

"How did he do it?" asked Mr. Miller. He and the attorneys for the defense, Messrs. Fennell and Roth, bent forward to hear the answer. "He took a knife," said Pauline, grasping an imaginary weapon, "and hit her neck." The child drew her hand across her throat.

INTENSITY OF THE SCENE. The court room was as still as death. There was a ghastly fascination in what this child was telling. The Justice leaned forward, his face tense with interest; the eyes of the jury were fixed upon the slight little figure, as though hypnotized, and every person in the room, save one, strained their ears to hear the awful story. The one who was the prisoner, whose means every now and then sounded as though he were undergoing acute physical suffering.

"What next happened?" the child was asked. "Blood spotted all over the walls," she answered, with a sweep of the right hand. Papa then grabbed mamma and pulled her into the kitchen. "And then what did he do?" The child did not answer at once. She closed her eyes for a moment, as though recalling the scene. Then she shuddered.

"He stabbed her over and over again." Her voice almost sank to a hoarse whisper. "The last time he could not get the knife out, so he twisted it around every which way." Her clenched right hand was raised, and with it she described the action. Her voice broke, and her eyes filled with tears as she continued: "And all the time he was twisting the knife poor mamma was groaning all the time."

She raised her hands to her eyes and trembled. Mr. Miller let her become a little more composed, and then he asked: "Well, what else, my child?" "TOOK MONEY FROM THE BODY." "Then," continued Pauline, "papa put his hand in mamma's breast and took out a roll of bills. His hands were covered with blood. So was the money. He washed his hands, and then went into the parlor and changed his clothes. After that he went into the street. He stepped over mamma's body in the kitchen as he was going out."

In again, and again looked at her. This time she was asleep. He got a big knife, and after he had cut her throat he pulled her by the hair into the kitchen. Mamma jumped up, but fell down again.

LOVES HER FATHER. On cross-examination Lawyer Fennell, for the prisoner, asked Pauline if she had ever told any one that she had witnessed the killing through a keyhole. She replied that she had not.

"Do you love your papa?" Lawyer Fennell asked. "Yes, I love him a lot." "Would you like to see him killed?" "Yes, because he hurt my mamma." This answer was stricken out by the Court as improper. Then the poor child's ordeal was at an end, and with a last look at her wretched father, still sobbing with his head buried in his hands, she passed out of the court room.

Captain Wiegand, of the East Fifth Street Station, testified that several days before the murder Pustalka told him that his wife was unfaithful and that he wanted him to raid the Cafe Waldorf, at No. 118 East Fourth street, of which she was proprietress.

Patrolman Whalen said that he had found Mrs. Pustalka lying on the floor



the kitchen, undressed and went to bed in the next room. It was then that papa came in. He went to mamma's bedside and looked at her. She was not yet asleep, so he went outside and waited. Then he came with her throat cut. Patrolman Mitchell said he arrested Pustalka. Pustalka admitted he had killed his wife, and called her a vile name. He also told Mitchell that he was going to kill Lizzie Schoenlein, his stepdaughter, who, he said, was the cause of all his troubles.

DESCRIBED HIS WOUNDS. Coroner's Physician Weston, who made the autopsy on the woman, described the wounds. Patrolman Hughes and Schindler testified that Pustalka had complained to them that his wife was conducting an improper place and that he had caught her drinking beer with a man in the back room of the Cafe Waldorf. The man was seated on her lap, and the lights were turned low. He told Schindler that if the police did not raid the cafe he would kill his wife.

Lizzie Schoenlein, the stepdaughter, a pretty dark-haired, dark-eyed girl of twenty years, who was represented as the cause of the trouble between Pustalka and his wife, was the next witness. She said that Pustalka had threatened to kill her. This served her as a warning and saved her life. She wept as she told of her mother's injuries. She said that Mrs. Pustalka was butchered almost beyond recognition.

Curiously enough, after she had testified she went over to where Pustalka sat and whispered in his ear. He seemed pleased at what she told him. Her testimony closed the case for the people.

TESTIMONY FOR THE DEFENSE. For the defense Elsa Kluga, of No. 92 East Eighth street, a waitress in the Cafe Waldorf, testified to alleged impropriety of the dead woman, Francis V. Mater, a brother of Mrs. Pustalka, testified that Pustalka was a hard-working and good man.

"You saw the body of your sister with all the stab wounds, and yet you say that the defendant is a good man?" asked Assistant District-Attorney McIntyre. "Yes, sir."

There was other testimony to Pustalka's good character, and this closed his case. The prisoner did not testify in his own behalf. Lawyer Fennell made a long and strenuous plea for his client, alleging his act as committed without premeditation or deliberation. Assistant District-Attorney McIntyre, with the aid of the bloody knife, made a strong impression upon the jury, tearing to pieces the prisoner's plea of frenzy over the sudden discovery of a wife's infidelity. While Mr. McIntyre was picturing the murder the prisoner again buried his head in his hands and sobbed aloud. The jury was out half an hour. The first ballot showed that it was unanimous in finding the prisoner guilty of murder in the first degree.



Pauline Pustalka on the Stand Describing the Murder of Her Mother. She is ten years old. She cried at first. She became composed and told vividly how her father came to the bedside, looked at her mother sleeping, walked quietly away, got a butcher knife, slashed her mother's throat, dragged her by the hair to another room and thrust the knife into her twenty-six times. Once the knife stuck fast in one of the bones of the woman's breast and Pauline said that her mother groaned as Pustalka twisted the blade around before pulling it out. "I hate my papa," she said, "because he hurt mamma." The little girl by gestures set forth the successive incidents and drew her finger across her throat when she said: "Papa cut mamma's neck." Her father wept. Pauline is a blonde with beautiful golden hair. Her narrative convicted Pustalka and the penalty is death.

OFFERED A BAD CHECK. But Francis Was Not Known by Morgan or the Bank, and Went to Jail. A well-dressed man, about thirty-five years of age, visited William R. Jenkins, No. 801 Sixth avenue, early yesterday and idly looked over the stock. He selected a good edition of Carlisle's French Revolution, price \$4.50, and offered in payment a check for \$10 on the National Union Bank, drawn by D. J. Francis. He said that his name was Francis and that he was a member of the firm of J. P. Morgan & Co. Manager Murray, of the book store, as a matter of form, called the National Union Bank on the telephone and learned that no one of the name of Francis had an account there. He also called up J. P. Morgan & Co., and found that Francis was not a member of the firm, nor was he employed there. Then he had a clerk summon Policeman Regan, of the West Forty-seventh Street Station, who arrested the man. He took his arrest coolly and said his name was Walter R. Wilson, of Rockville Centre, L. I., and his business that of an agent. He was arraigned in the Yorkville Police Court and held in \$1,000 bail for examination this morning. To the clerk of the court he gave his address as No. 20 West Sixty-first street. No one named either Francis or Wilson lives at that address.

Some Social Gayeties. There was a cliking of thimbles and needles yesterday afternoon at the residence of Mrs. Brookholme Cutting, No. 69 Madison avenue, where the fashionables of the O. N. Sewing Class met and stitched for charity. The class was formed by Mrs. Charles Oelrichs and Mrs. Frederic Neilson, from whom it takes its name. Mrs. Adolphus Berlin, Jr., Mrs. Conner Hewitt, Mrs. I. Townsend Burden, Mrs. Frederick Gehl, Mrs. Jules Bernall, Mrs. Levlina Spencer, Mrs. Henry Clews and Mrs. B. Mottine Brooks. The marriage of Miss Suzanne Dillon, daughter of ex-Judge Dillon, to Mr. Gerard Warner, of Esplanade, England, will be quietly celebrated on April 15 at St. Bartholomew's Church. Owing to the recent death of the bride's little niece there will be no reception. Miss Dillon's mother and sister, Mrs. Dillon-Oliver, sail for Europe on April 27. Mrs. Dillon is a brilliant and absent about two years, most of which time will probably be spent in Vienna studying with Padewski's teacher. Mrs. Oliver is a brilliant pianist.

The marriage of Miss Emily Lorillard Morris, daughter of Mr. Fortham Morris, to Mr. E. Horace Gallatin, will be one of the most notable of the Spring season. It will be celebrated at Trinity Chapel on April 29, and will be followed by a breakfast at the bride's home, No. 45 East Thirtieth street. Miss May Gallatin, sister of the bridegroom, will be the maid of honor, and the bridesmaids selected are Miss Estelle de Poynter, Miss Elizabeth Sande, Miss Katherine Hoppin, Miss Helen de Poynter, Miss Henrietta Morris and Miss Newer. Mr. Cecil Sande will be the best man, and the ushers will be Mr. Gouverneur Morris, a cousin of the bride, Mr. Alexander S. Wood, Jr., Mr. Lawrence Timson, Mr. Schuyler Schieffelin, Mr. Alexander Hadden, Mr. John G. Newer, Mr. Watwright Purdie and Mr. Goulet Gallatin, the bridegroom's brother.

WHAT HIS COUNTRYMEN THINK

Some Consider the Yacht Club Was Too Severe, Others That It Was Justified.

London, Feb. 28.—A special meeting of the Yacht Racing Association has been called for the purpose of considering the action taken by the New York Yacht Club with regard to Lord Dunraven.

The appointment of Dunraven as Lord Lieutenant of Limerick was announced by the Gazette to-day. The Globe, in a special edition, publishes an interview with Sir George Baden-Powell, M. P., owner of the steam yacht Otaria, in which he says that he has learned that Lord Dunraven not only sent his letter of resignation from the New York Yacht Club by mail, but called it as well. The sympathy of English yachtsmen, Sir George adds, is not only entirely with Lord Dunraven, but they go further in holding the opinion that he did not put his case strongly enough.

The Globe editorially regards the motion to expel him as needlessly offensive in its terms, and thinks that the proceedings of the New York Yacht Club have been growing more and more peculiar. The paper says it is at a loss to understand them, and considers the assertion that the letter, written by Lord Dunraven, tendering his resignation, had not been received, a matter of interest. It is clear, it says, that if the letter had been acknowledged by the club Captain Ledyard's fireworks would have been quenched.

"We are at a loss to understand," continues the article, "why it was that the club had not received the letter at 9 o'clock last evening which was published in the New York papers of that afternoon. We are strongly inclined to the belief that if the letter had not reached the secretary it was for the reason that arrangements were made to prevent his receiving it. It will be remembered," the paper adds, "that in the earlier stages of the controversy the period at which a certain note was received was the subject of some dispute

ENGLAND HONORS ITS DISHONORED EARL.

Expelled by the New York Yacht Club, Dunraven Gets an Irish Lieutenantcy.

All Yachtsmen Gratified at the Action Taken Here in the Nobleman's Case.

HIS RESIGNATION CAME TOO LATE. It Got Here on the Teutonic Yesterday. Expressions of Opinions from Members of the Club Which Has Disgraced Him.

On the heels of his expulsion from honorary membership in the New York Yacht Club, comes the announcement of Lord Dunraven's appointment as Lieutenant of Limerick, Ireland. The English Ministry apparently thought it the proper thing to honor the disgraced Earl, at the very moment that the news of the dishonor upon him in America was promulgated abroad.

Dunraven's communication to Secretary J. V. S. Oddie, of the New York Yacht Club, supposed to contain his resignation, was received at the Madison avenue club house at ten minutes past seven o'clock last night. Secretary Oddie was seen shortly after eight o'clock at the Hotel Brunswick, where he was dining with Latham A. Fish, of the America's Cup Committee, and E. E. Chase. He declined to make public the contents of the missive. It is believed by yachtsmen that the letter is the one received by cable and published in the Journal yesterday.

The letter came on the steamship Teutonic, which arrived off Quarantine shortly before noon yesterday, and the Earl missed the opportunity of being on record as having resigned by just twenty-four hours.

Among members of the New York and other yacht clubs not one dissenting opinion was heard in regard to the action upon the conduct of the Earl as a yachtsman. Lewis Cass Ledyard's speech introducing his resolution for expulsion was also the subject of much favorable comment. He reviewed his former resolution and stated that to allow Dunraven to resign was more in accord with the manner in which the club had conducted the entire matter and it had appeared to him up to that time more consistent with the careful way in which the club had acted. Continuing, Captain Ledyard said:

"AN APOLOGY WAS NECESSARY. I do not think there has ever been in the mind of any member of the club any idea that we should accept any resignation by Lord Dunraven unless it was accompanied by a full, complete and ample apology, and at the same time a retraction of his charges."

He also touched upon the style of resignation that the members of the club expected, saying that it was not such a resignation as any member in good standing could voluntarily tender and expect to be accepted, but one given in reply to a demand by the club. The recent communications from Dunraven clearly showed that he still clung to his absurd statements of fraud and thus placed the matter in a new light and caused the new resolution to be formulated.

Commodore James D. Smith—I have very little to say that has not already been printed, and I am inclined to leave the outcome of it. I could not have voted any other way under any circumstances. J. Murray Mitchell, the well-known lawyer and club member, also spoke, and the highest degree of courtesy is necessary among gentlemen. If yachtsmen were subjected to the usual and ordinary regulations, would soon degenerate so far that no gentleman would indulge in it. Dunraven should have had a more logical and logical instead of talking as he did over a distance of three thousand miles, and when it was proved that he was wrong, he should have said nothing, but a complete apology should suffice, and, refusing to make it, Dunraven was very unwise.

ONLY ONE COURSE POSSIBLE. Henry J. Glew, official measurer of the Atlantic Yacht Club—The club could have taken no other action and still maintain their self-respect. Dunraven has proved himself a coward and a sportsman, and if they had taken any other action every honorable man in the club should have resigned. I have no objection to a resolution that would have been a disgrace to the club. The letter to Mr. Oddie is an insult. He does not retract his charges even in the form of a retraction. I believe that they are untrue. He deserved to be dropped from the roll.

H. C. Watson, Fleet Captain of the Atlantic Yacht Club—The action of the club was entirely logical, and when Dunraven made the charges such a course could not be taken. The charges were proved to be absolutely untrue, and he should have apologized. He did not, and the club was justified in taking final action.

W. Butler Duncan—I am glad of it. It was the only thing to do and is settled once for all.



and the cause of a deal of trouble." The Westminster Gazette says the expulsion of the Earl is deplorable but cannot be regarded as a surprise.

The St. James's Gazette says: "The New York Yacht Club has very properly expelled Lord Dunraven. We only regret that the credit of British sportsmanship has been identified with a man who can behave so badly."

The Gazette, in the course of its comments, recalls Lord Dunraven's age and the offices he has filled and adds: "Such a man ought to have known better."

JUSTICE TRUAX TO WED. Name of the Bride-elect and the Date of the Marriage Are Kept Secret. Justice Charles H. Truax, of the Supreme Court, is to be married soon, but when, where and to whom is kept a profound secret.

While the Judge does not deny that his wedding is to take place shortly, he refuses absolutely to give any intimation which the luminary of the Supreme Court has courted so supremely that she has consented to become his second bride.

When called upon at his residence, No. 1922 Madison avenue, last night, the Judge refused to be interviewed. Even his nearest friends have not been let into the secret. His brother, Chauncey S. Truax, said last night that he had not even received the slightest intimation of the Judge's matrimonial intentions. It is understood that the mother of the bride-elect is seriously ill, and this is probably the reason why the happy couple shrink from publicity at the present time. However, it is certain that Justice Truax takes a month's vacation, commencing to-day, Justice Davy coming from Rochester to take his place, and the interesting ceremony will probably take place before the April term commences.

Judge Truax was elected to the Supreme Court bench last November on the Tammany Hall ticket. He is a popular club man and is chairman of the House Committee of the Manhattan Club. He has a son sixteen years old.

Died While Looking for Work. Charles Vonderheide or Fenderhurst, who was reported as missing from his home, No. 97 Graham street, Brooklyn, two days ago, died in Bellevue Hospital, this city, on Thursday night. He had been found helpless in East Houston street by a policeman in the evening and taken to the hospital. He had left home in search of work.

MUSICAL AND DRAMATIC NOTES. "A Tammany Tiger" is the title of a new play by H. Grattan Donnelly, which will be produced in this city in April under the direction of Joseph Lili.

Mr. Damroch is to give three performances of German opera at the Brooklyn Academy of Music. The first will be given March 5. "Ranahauer," with Alvary in the title role, will be sung.

James W. Hardin, Jr., and Edwin A. Brouwer have started for Cuba under orders from W. A. Brady to write a play dealing with Cuban life. It is not to be a war drama. They will spend a month in Havana gathering local incidents and taking pictures.

The legitimate and not uncommon charge of a breach of the rules has been held to be a charge of fraud and cheating, and has been magnified into an insult to the American nation.

The case will doubtless be regarded in America as a precedent, and the consequent position of all future challengers will simply be to ask no inconvenient questions and to lodge no protests, but to provide a yacht to be beaten.

The Telephone Company's New Office. For the accommodation of up-town customers the Metropolitan Telephone and Telegraph Company have opened an office on West Thirty-eighth street, where contracts can be made for the installation of telephones. The company have now fourteen thousand subscribers on their list.