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MONDAY, MARCH 2, 1896.—SIXTEEN PAGES.

PAGES 9 TO 16.

## MISS FLAGLER TRIED BY A JURY OF HER PEERS.

### THE BOY WHO WAS KILLED.



Mrs. Joseph Bradley Reed.



Mrs. A. M. Palmer.



Trella F. Toland.



Ernest Green.



Mrs. Clarkson.



Mrs. Giegerich.



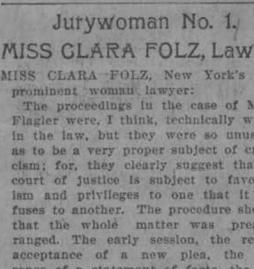
Mrs. Clara Folz.



Mrs. Frank Rogers Morse.



Lily Devereux Blake.



Miss Clara Folz.



Mrs. Elizabeth Cady Stanton.



Mrs. George Howe Winkler.

Miss Flagler, the nineteen-year-old daughter of General Daniel W. Flagler, shot and killed Ernest Green, a colored boy, who, she said, had been stealing apples from her father's place near Washington one morning in August, 1895. He was running away when killed. She was immediately arrested, but was at once admitted to bail. Last week she appeared in court before Judge Cox in Washington half an hour earlier than the sessions ordinarily begin. She pleaded guilty to "involuntary manslaughter," claiming that it had been her intention to merely frighten the lad by firing in the air. She was immediately sentenced to three hours imprisonment and a fine of \$500. The whole affair seemed to be cut and dried. Adverse comment was freely expressed on the theory that Miss Flagler's wealth and social position had played its part in her easy escape. In view of these extraordinary features of the case the Journal has asked a jury of twelve women to pass upon Miss Flagler's case after careful consideration. The findings of these jury women follow:

members of the League for Political Education.

#### Jurywoman No. 3.

##### MRS. TRELLE F. TOLAND.

MRS. TRELLE F. TOLAND, a charter member of "The Portia Law Club," of California, and a member of several New York literary clubs, including the Professional Woman's League: "Acquittal was the only verdict which could have been rendered. The somber sadness of the whole affair in connection with Miss Flagler's unusual misfortune has proven an enigma to me, I confess. There was no sort of a case. The informal formality that the Washington Judge indulged in when exacting a fine and a visit of three hours inside a jail was assuredly absurd. I can imagine, partly, how intensely Miss Flagler has suffered all the past months. No doubt her future will be wrecked by the memory of the tragedy and the humiliation she has undergone. The killing of the poor little boy was a most pitiful accident, and the people of Washington, I am told, have been in sympathy with Miss Flagler ever since the fatal day last August. The parents of the little boy must feel the deepest grief, but cannot possibly have the slightest bitterness against Miss Flagler."

#### Jurywoman No. 4.

##### MRS. A. M. PALMER.

MRS. A. M. PALMER, the president of the Professional Woman's League, and a prominent member of Sorosis: "It is absolutely absurd for any one to believe Miss Flagler was guilty of murder. I think she should be pitied and shielded as far as such an unfortunate tragedy allows. There has been a great deal of public sentiment for and against Miss Flagler and her just judge. Perhaps there are many thousands of people who would have felt satisfied with justice had the young lady been sent to solitary prison confinement for two or three months. Such action would have been cruel, inhuman. I know that many argue that had Miss Flagler been a poor and unknown woman, she would have been severely punished. That is unworthy. A woman in Miss Flagler's high social position could have no object or motive in injuring, even slightly, that poor little lad—that in itself should have cleared her at once in the minds of the people. My heartfelt sympathies are with Miss Flagler and her family."

#### Jurywoman No. 5.

##### MRS. FREDERICK SUTRO.

FLORENCE CLINTON SUTRO, wife of Hon. Frederick Sutro: "In law the intention is always considered. Even those who feel most bitterly against Miss Flagler agree that she did not intend to kill the Green boy when she fired the fatal shot, and that the whole affair was a most sad and deplorable accident. There is not the slightest doubt in my mind of this, and feeling as I do, I think she should have been acquitted. I recall a similar case some years ago, of a minister who accidentally shot and killed his wife. He was not even arrested, for nobody believed for a moment that he would commit a crime. He was judged by his past life, as Miss Flagler should be. It is impossible to believe that a girl brought up as she has been, surrounded by tender and refining influences, would intentionally bring sorrow to others. Miss Flagler is either guilty or not guilty. If she is guilty, the sentence imposed upon her was wholly inadequate, and a travesty on justice. If she is not guilty, she should have been acquitted."

#### Jurywoman No. 6.

##### ELIZABETH GADY STANTON.

MRS. ELIZABETH CADY STANTON, the pioneer of woman's cause: "I am delighted that Miss Flagler escaped with so light a sentence. We women do not help to make the laws, why should we be condemned to suffer through them? Miss Flagler was surely a lady of refinement and gentle breeding. I am confident that she had no thought of injuring the child. The parents of that child cannot possibly blame or condemn her. Poor young lady, it must have been a frightful shock to her. I don't think the Judge should be criticized for being too lenient. He was only carrying out the accepted idea that women are weaklings, and, therefore, not capable of appreciating justice or injustice. Usually, sad to think on, women suffer

### PLEADED GUILTY TO SAVE HER MOTHER'S LIFE.

#### General Flagler Explains Why His Daughter Did Not Stand Trial in a Way Which Seems to Give the Case a New Aspect—The Girl Anxious to Vindicate Herself.

Washington, March 1.—Speaking for his daughter, who is said to be in a sanitarium at Baltimore, General Flagler gave to the Journal an authorized interview. He said: "It has been said that we endeavored to avoid a regular hearing. That is not true. My daughter made a plea of involuntary manslaughter, in order to save her mother's life, the course taken by advice of Judge Wilson, our attorney. My wife has been seriously ill for the last few weeks. The physician has despaired her life during the last two weeks. It was the strain of this terrible affair that was killing her. My daughter was desirous of standing a fair trial, but when the situation was explained to her she decided upon the course that would save her mother's life, by pleading guilty and abiding by the circumstances. Had I been at home at the time of the accident, a different course would probably have been adopted. The false statements undoubtedly arose from our silence at the beginning. "My daughter has suffered untold agony with the knowledge that she caused the death of a human being. She has left the city to visit some friends. Her plans for the future are unsettled. Mrs. Flagler is to be moved as soon as possible. The true reason of the hurried trial was the hope of saving her mother's life. We had no idea of what the Judge's decision would be when we entered the court room."

### WHAT THE DEAD BOY'S MOTHER SAYS.

#### She Does Not Feel Bitterly Toward Miss Flagler, but She Has Not Been Able to Forgive Her for Killing the Boy Who Was Going to "Always Stay with Mammy."

Washington, March 1.—Mrs. Richard Green, mother of the boy Ernest, whom Miss Flagler killed on August 2, 1895, sat in her home, No. 1438 Pierce place, yesterday, weeping as she talked of her boy and the sentence on the woman who shot him. "I don't know what to say. Everybody has been very kind. We haven't done anything. We haven't any money. Any way, what's done can't be undone. I thought there was one common law for everybody, but it seems as if they don't all get it alike. It seems to me they took advantage of us. But Mr. Green is a sympathizing man. It's his nature to forgive, and I don't believe he'll ever try to do anything about it. He is overcome with grief. Oh, it's a sad thing, a sad thing," wailed the woman. "Mrs. Flagler came here to see me several times. I could not ask for a more sympathizing woman. She came as a mother. I must say she came in a most Christian-like manner. General and Mrs. Flagler offered to pay the funeral expenses. She said she felt as if it was a debt she owed, but Mr. Green and I both felt that it wasn't best then. Afterward, if they felt they wanted to do something for us, it would be different. "Miss Flagler has never come near me once, or has never sent any word to me whatever. I don't know what she could have been thinking of. It was an outrageous thing to shoot a pistol, any way. Then the papers said our poor boy was stealing fruit. Why, my son was obedient and good. I never in my life had any one come to my door and say: 'Mrs. Green, your boy did so and so.' He never harmed the hair of a child's head or broke a flower off its stalk that didn't belong to him. "He was shot on August 2. On the 12th he would have been just fifteen years old. He used to take my arm and we'd stroll down the street of an evening, and he'd say: 'Mamma, when I get a horse we'll have nice rides, you and I. I mean to stick to you. The girls can just go their own way. I'll always stay by you, mammy.' "Of course, General Flagler did for their child just what I'd do for mine. I think Miss Flagler had every right to use the law as she did, but if that is the way they are going to use the law, to discriminate between the rich and the poor, the white and the colored, it seems to me they better have two laws and be done with it. Some think because we don't say more it is because we are paid. That is not so. No one has ever paid us a cent for silence. Mrs. Flagler has not been here to bribe. "What do you think would have been a just sentence for Miss Flagler, Mrs. Green?" "I don't know—indeed I don't. I do think, though, if they'd given her a year, or a couple of them, it would have looked as if they were not making flesh of one and bone of another. But money will not put life into the dead nor bring them back again. Punishing her won't bring my child back, after all. Perhaps it's all right, but I don't feel that the law has done justice. "Do you in your heart forgive her?" "I can never forgive her until God puts it into my heart. He was my only boy."

### THE VERDICT.

The Jury Disagrees—Seven Favor Miss Flagler, Five Think the Proceedings Irregular or the Punishment Insufficient.

offender from injustice; for example, witness Mrs. Maybrick's pathetic case. That woman was undeniably innocent. If a burglar should enter my house, to frighten him I might fire a pistol, thinking to save my valuables. If by accident I fatally wounded him, would it be justice to imprison me? No. Miss Flagler was, in a way, protecting her property.

**Jurywoman No. 7.**  
**LILY DEVEREUX BLAKE.**  
 MRS. LILY DEVEREUX BLAKE, one of New York's representative women, and an active member of half a dozen brilliant clubs where woman's intellectual and material advancement is the theme: "I have been interested in Miss Flagler's case, and I was greatly relieved to read that she had met with such gentle treatment. When I was a girl I learned to shoot very well, and used to practice with my cousins, a jolly lot of boys! I used to think that shooting

with the boys' was the greatest sport on earth. Instinctively I became accustomed to point the muzzle of my pistol or gun downward. Everybody who understands shooting does so, you know. It is my opinion that Miss Flagler never had a firearm in her hands before. She thinks she fired in the air, but she must have fired at random, and by one of the horrible tricks of fate, unwittingly killed a child toward whom she bore no ill-will. The Judge could not have done more by way of punishment than he did. I am afraid, however, that Justice might have proven as blind as she unfortunately figures in paintings and statues, had a colored woman killed by accident a little son of General Flagler. But that is the way of the world. I am glad Miss Flagler is free.

most cultured and brilliant women of New York, says: "I think the whole affair a most dreadful thing. If I had committed this deed my life would have been ruined, for my conscience would have burdened me forever. To sum up the case upon its just basis, the young lady was criminally careless, for she certainly shot at the boy. She should have been punished for that. I do not know how old the young lady was, but she was undoubtedly old enough to be more careful. If she had occupied another position than was hers, she would probably have been punished to the full extent of the law. I do not believe that social standing should interfere in any way with the course of justice."

**Jurywoman No. 9.**  
**MRS. GEORGE HOWE WINKLER.**  
 MRS. GEORGE HOWE WINKLER, secretary of the Eclectic Club and a brainy

young woman, is thus quoted: "I think the young woman was culpable in the careless use of the weapon. She should have been punished for such criminal carelessness. If she was guilty the punishment is a farce."

#### Jurywoman No. 10.

##### THE WIFE OF JUDGE GIEGERICH.

MRS. L. A. GIEGERICH, wife of Judge Giegerich, of the Supreme Court.—"It was a terrible case. If Miss Flagler really hit the boy accidentally while firing into the air to frighten him, it is strange that she should have pleaded guilty and that her counsel should have expressed the opinion that she would be convicted if she should stand trial. She should have been either acquitted as innocent of given as heavy a punishment as is usual in such cases. It really seems as if, had a colored girl shot a son of General Flagler there would have been no such leniency shown."  
 L. M. GIEGERICH.

#### Jurywoman No. 11.

##### MRS. JOSEPH BRADLEY REED.

MRS. JOSEPH BRADLEY REED, president of the Eclectic Club, who represented New York prominently at the Atlanta Exposition, has this to say for herself: "Considering the young woman's environment, her social position and education, I do not think she willfully committed murder. I do not believe any woman holding the position of Miss Flagler would commit murder unless it were contingent upon her affections. If guilty she should have been punished to the full extent of the law. If innocent she should never have been subjected to the treatment she received."

#### Jurywoman No. 12.

##### MRS. FRANK ROGERS MORSE.

MRS. FRANK ROGERS MORSE, wife of the prominent Baptist divine, expressed this opinion: "I feel impressed that the social standing of the young lady had a decided palliating influence upon the Judge's decision. She was guilty of a crime, or not guilty. If guilty the punishment should have been commensurate with the deed committed. The whole affair seems to have been a play with the law. Its dignity should be maintained without regard to social distinction."

#### AROUSED BY THE VERDICT.

The Washington Colored Clergy Unanimous on the Flagler Case.

Washington, D. C., March 1.—The colored people of this city have maintained comparative silence with regard to the Flagler case until to-day. As if moved by a common impulse the pastors of the colored churches and the leaders of their Sunday schools and lyceums made that day the topic of discourse and condemnation to-day. The general tenor of the criticisms was that the negro cannot obtain justice in the District of Columbia.

Judge Cox, who fixed the sentence of Miss Flagler, and United States Attorney Birney, who assented to it, were mercilessly scored by the negro preachers and lecturers. It was proposed that a movement be immediately organized among the colored residents looking to the removal of the United States Attorney and that a petition to the President requesting removal be circulated and signed by all the colored residents. Such an effort might not be without effect, not because of the Flagler case, perhaps, but for the reason that Birney has served out the term of his office and it is known that the President has been considering the selection of a successor.

The pastors of the various churches for colored worshippers denounce the sentence as an outrage, as a travesty upon justice, and with one accord ascribed the leniency shown to the defendant to the fact that she is white and a member of a wealthy and influential family. They were more severe upon Mr. Birney than upon Judge Cox, because the former is a Republican and they apparently expected him to insist upon a more severe sentence. The religious fervor which usually marks the colored race at worship was supplanted at what they deemed an outrage upon them all. The vigorous condemnations by the pastors were greeted with demonstrations of approval so loud and emphatic as to interrupt the speakers. Pastor Taylor, of the

church to which the family of Ernest Green, the boy who was killed, belongs, declared that the Judge and the attorney were equally guilty with Miss Flagler. He stated that General Flagler had offered, through him, "a large monetary consideration" to the Green family, but the offer was rejected. But the family, he added, regarded the offer as intended to influence them to abandon the prosecution.

When the congregations were dismissed from service crowds in front of the churches discussed the subject. Their silent looks indicated the depth of feeling controlling them. It has been agreed that a mass-meeting of the colored citizens of Washington shall be held some day this week for the purpose of placing on record their condemnation of what they insist is a discrimination against their race, based upon prejudice.

**COLORS AMERICAN'S VIEW.**  
 The Colored American, the accepted organ of the colored people here, in its issue to-day, comments on the Flagler case as follows: "Miss Flagler deliberately murders a boy—a child who was never known to commit any crime, and for that act she is treated by the court and strict authorities with the highest consideration. She is given a sentence of three hours in the county jail, which, by the way, is allowed to expire almost entirely before she even reaches the jail, and at the jail she is treated as a visitor. It can never be said of the court in the District of Columbia that it is in respect of persons, for had young Green or his parents shot Miss Flagler under the same circumstances under which she murdered young Green, the same court would have, beyond a shadow of doubt, handed down a long lecture on the careless and vicious use of firearms, and the offender would have been sentenced to hang by the neck until he was dead, or else to waste his life behind the four walls of a prison. But Miss Flagler was allowed, so to speak, to go scot free, because of the social position which her people occupy in society. No justice in that."

**BOY FELL FOUR STORIES.**  
 Tumbled from a Window in an Airshaft and Was Killed in the Cellar Below.  
 Five-year-old William Rothman, son of John and Catherine Rothman, of No. 1731 Second avenue, fell from a window of their flat on the fourth floor to the cellar through an air shaft between flat buildings yesterday afternoon and was instantly killed.

The lower sill of the window opening into the airshaft from the dining-room is very low. The boy had just been dressed to go out with his father and was alone in the room. His mother came in through the door from the kitchen just in time to see him disappear. It is thought that he was looking down the shaft and lost his balance.

Mrs. Ellen Shoehardt, who lives on the ground floor, saw the body fall past her window, and heard the crash of his fall, heading, a moment later. The boy's mother ran screaming from the stairs to the cellar, while neighbors ran to the street and got Policeman Morris of the East Eighty-eighth Street Station.

Dr. Williamson, of the Presbyterian Hospital, came and examined the body. He said that the boy had been killed instantly.

**Bought Liquor with Stolen Money.**  
 John Allen, a negro barber, stole \$2 from his roommate, Lucien Walker, of No. 126 West Seventeenth street. He bought a bottle of whiskey, but was arrested before he had taken all of it. He refused to plead when arraigned yesterday in the West Thirtieth Street Court, and his case was continued until Tuesday.