

# FLAYING OF CHEMIST SCHEELE.

## CHARGED WITH HAVING SAID THAT, GUILTY OR INNOCENT, MRS. FLEMING MUST DIE, THE EXPERT SHRIEKS, "IT'S A LIE!" AND FALLS FAINTING INTO A CHAIR.

By Edgar Salts.

WHEN Mrs. Fleming's court yesterday it was with the brilliancy of eye, the clarity of complexion, the suggestion of beauty which is said to induce. At first it seemed as though she must have eaten the testimony of the day before. In no other fashion did she display its effects. Her spirits, visibly, had heightened, and her sister exhibited, by way of understudy, a sweetness of smile, a contentment of gesture, a harmony of carriage which was as significant as her own. The more damning the proof, the better their spirits. But the sleeves they wore were large enough to hold a great deal. And there was a rumor abroad that in them, stuffed with guile, confutations of innocence, and that Mrs. Fleming would leave court as she first entered it—her head very high. For once rumor may be right.

The proceedings commenced in sedate fashion. Joseph H. Choate entered the room and was invited to the bench. Anthony Comstock also entered, and was received with that absence of recognition to which his labors have entitled him. Toward the very end of the day a scene occurred unparalleled in the annals of the bar. Dr. Walter T. Scheele, the expert called by the prosecution, was practically sandbagged by the defence and led half fainting from the stand.

**A Terrible Charge.**

In a voice as relentless as fate Mr. Brooke charged him with having boasted he had fixed things that, innocent or guilty, Mrs. Fleming would die. Before he could answer, Mr. Brooke called a witness to confront him.

"It is a lie!" Scheele shrieked, and into the chair, from which he had half risen, he sank, his face ashen, his head bowed, a curious study of the bitter bit.

It had been anticipated in court—there is more gossip here than at an afternoon tea—but it took the prosecution unawares, and as for the witness, had the columns in that room, with their fabulous boasts, fallen upon him at once, he could not have been more dazed, more lifeless and limp. On Thursday Dr. O'Sullivan asked indulgence for him on the ground that he had not been very well, and it was here stated that from the interest with which he was then eyed by the defence it might be assumed they would give him some medicine.

"Do you," asked Mr. Brooke in his most engaging fashion, "happen to know the Harbor House?"

Q—Then you accidentally happened to be there that Sunday upon something entirely unconnected with this case? A—Yes.

Q—Did you speak to him or he to you about it? A—No.

Q—Did he speak to you about the case? A—No.

Q—Now we will commence over again," said Brooke. "You don't seem quite clear about things. The day which you designated as Sunday, August 31, was the day on which you received a message from O'Mearher?"

"Yes, sir."

Q—"When did you say that was?"

"On September 2."

Q—"What did you do in consequence of your interview with Dr. O'Mearher?"

A—I made tests for mercuric poison.

Q—I understand that on September 3 Clerk Malone, of the Coroner's office, delivered something into your possession? A—Yes, he came to my laboratory in Whitehall street.

Q—Did he deliver to you half the contents of a marked "Contents of the stomach of E. M. Bliss," a piece of pie and part of the contents of the stomach?"

Q—He handed you half of what the stomach contained and all the piece of pie? A—That's correct.

Q—At Sunday, September 4 he handed you a part of the stomach contents? A—Yes, that was handed to me by Clerk Malone at the Coroner's office.

Q—Was O'Mearher present? A—No, sir.

Q—You say that when you received the stomach and the pie, which was on September 4, I understand you subjected it to analysis? A—Four ounces and six grains.

Q—What was the weight of the whole stomach?

A—An Aid to English.

The reply was confused. Mr. Brooke told him to speak plainer, such as he might have told him to hold his tongue.

"In my examination," Dr. O'Sullivan interrupted, "I tried to accommodate the witness, whose knowledge of English is slight."

"Perhaps," said Mr. Brooke, "the accommodation which the witness will receive from me will be more to his taste."

It may be assumed, though, that it was not.

Recess was taken. At 2 o'clock a court officer pounded three times at the door in Paris, when a play is about to begin. Presently it did.

Mr. Brooke produced a document which was passed to the witness for identification, as a copy of his original report. The recorder said that the alleged copy of the report did not correspond to the original. The foundation of evidence had been established.

Through Dr. O'Sullivan, who repeated the majority of Dr. Scheele's answers, it was elicited that the chemist had separated from the stomach of the deceased 14 grains of arsenic and 2½ grains of antimony. From the vomit he separated 1-10 grains of arsenic and 1½ grains of antimony. In addition, he said that on September 30 he was asked by Mr. Miller, of the prosecution, to make other tests; that, in consequence, he went with Acting Inspector McCullough to the Colonial Hotel, where pieces of carpet were cut and sweepings gathered from the rooms previously occupied by Mrs. Fleming, while from among her effects in the storeroom a tea tray and vase were taken. From a deposit on the tea tray he subsequently separated arsenic and antimony. In the vase arsenic was discovered. He testified that he spoke in one language and thought in another, and once he reproached him for the inaudibility of his voice.

"You have a good pair of lungs," he said; "use them."

On both occasions Mr. Brooke smiled in cheerful amusement. It was evident even then that when he got that witness in hand he intended to make him speak so loud that all the world would hear him; that, in whatever tongue he talked, he would show a discrepancy between what he thought and what he said. The amusement which he displayed was cheerful, but tigerish. The defendant shared in it; her

father, too; her other lawyers as well. Altogether, you might have taken the group for a happy and united family laughing some farce.

**The Curtain Raiser.**

There was a farce, but that came later, as a sort of curtain raiser to the melodrama at the end. Meanwhile, in spite of the amusement in that corner, the proceedings were little dull and were enlivened but once by an objection, which Mr. Brooke made to the admission of the testimony concerning the tea tray. From the manner in which the objection was framed and the way in which it was seen that it was his intention to show that it had been doctored. By whom? For what? Viola! as they say in Paris. That's just it. In answering an objection Mr. McIntyre said:

"How is it possible for any one not a chemist to fully explain what was found on that object? It is for the jury to know whether the arsenic detected on that tray was there at the time of this homicide. The evidence is that within one or two days of the commission of the offence, I think it was on September 4, these things were packed up and carried from the rooms and afterward found upstairs."

Mr. Brooke's reply was to the point: "There is no evidence that a homicide was committed; not a thing to show that this defendant had anything to do with such a crime. There is evidence that a woman died and that certain things have been subjected to chemical analysis. The witness has gone on the line that some one put the material which the chemist says he has found on certain articles. That may be true, but we are entitled to know how the defendant is to be connected with it. My friend Mr. McIntyre asks, 'How can any one not a chemist explain?' I answer by asking, 'How can any one not a chemist, with scientific knowledge but that some one may have put the poisonous matters there in order that another chemist might find it?'"

The objection was overruled. A few minutes later Mr. Brooke took the chemist in hand.

**Strange Contradictions.**

Q—When did I understand you to say your connection with this case began? A—On Sunday, August 31, 1895.

Q—And in the suggestion, you said, of the late Coroner O'Mearher? A—Yes.

Q—Where were you when the message from O'Mearher reached you? A—I—in the Coroner's office.

Q—Were you there upon other business? A—I was.

Q—Then you accidentally happened to be there that Sunday upon something entirely unconnected with this case? A—Yes.

Q—Did you speak to him or he to you about it? A—No.

Q—Did he speak to you about the case? A—No.

Q—Now we will commence over again," said Brooke. "You don't seem quite clear about things. The day which you designated as Sunday, August 31, was the day on which you received a message from O'Mearher?"

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# BELASCO, THE TUTOR, TESTIFIES, WHILE FAIRBANK, THE "BACKER," LISTENS.

In his suit for \$55,000 against Millionaire N. K. Fairbank, of Chicago, for the stage tuition of Mrs. Leslie Carter, David Belasco yesterday became exceedingly warm and tumbled of appearance. He was suffering from neuralgia, and his answers to questions were largely monosyllabic. Mr. Fairbank was an attentive listener.

Brooklyn; Edmund Heremance, Jacob Newberger, Mr. Meyer, of Meyer's Hotel, Hoboken; Isaac D. Foster, a Brooklyn lawyer, and a Mr. Kernecher, of the Albany Chemical Works."

Dr. Scheele said he knew all of them except Kernecher.

"That is all Dr. Scheele," said Mr. Brooke. "It was enough."

The man did not know whether he was on foot or on horseback. Mr. McIntyre took his rescue.

"Your Honor," he said, addressing the Court, "I will protest against this attempt on the part of the counsel for the defence to put discredit upon the District Attorney's office."

"No!" interrupted Mr. Brooke, "don't say that, Mr. McIntyre. I have not attempted to place discredit upon any one or to even insinuate the slightest thing discreditable to any person except this witness."

**O'Sullivan's Slip of the Tongue.**

"Your Honor," cried Dr. O'Sullivan, "I would take no notice of this proceeding if it were not for the fact that Mr. Brooke has hurled epithets at me ever since the trial began. He has attacked me personally as a private counsel threatening for this woman's blood, while he knows that if I was not satisfied and convinced of this woman's guilt, I would not be in this case, stood for an instant dazed as the witness. Then he dropped into a chair and put his hands to his face."

With that the court adjourned, and Scheele, assisted by an official, crawled from the stand.

Subsequently Mr. McIntyre sent a squad of Central Office men to make investigations concerning Heppner and the other persons mentioned by Mr. Brooke, and on the sworn statements of Dr. O'Sullivan and of Scheele he then arrested for perjury.

It may be of interest to add that Mr. Heppner is the broker of Evan Thomas, of the Produce Exchange, and is reported to be thoroughly reliable.

# TROCHA BEING WIPED OUT.

Rain Destroying the Works and Yellow Fever and Smallpox Killing the Men.

Havana, June 3, via Tampa, Fla., June 5.—Rain has fallen here for fifteen days. It is said that the Majana Swamp, forming the southern section of the trocha, or military line, from Martel, has overflowed and that the trenches and ditches which had been made have all disappeared.

The Spaniards are cooped up in the fortified towns and the Cubans range all over the interior.

As a result of the climatic change, that terrible scourge, yellow fever, has made its appearance, and is playing havoc to an alarming extent, particularly with the troops. The malady has extended all over the island, and the death rate is very great. In some places on the military line hundreds are attacked with this terrible disease, and it is increasing daily in alarming proportions.

Smallpox has also made its appearance in many towns and cities, especially in Sancti Spiritus and Cienfuegos, in which latter places ninety-six deaths occurred last month, there being 160 cases now on record.

That Weyler has fallen in his Cuban campaign is admitted by every one, even by the rabid Spaniards. His inability to cope with the insurgents is manifested daily. No outward demonstrations have been made yet, but in private conversation denunciations are made of his inability to quell the revolution. Spaniards are getting despondent.

# TIES UP ITS PROPERTY.

Demurrer in a Personal Injuries Suit Sustained by the Court.

New Brunswick, N. J., June 5.—A decision was rendered in the Supreme Court yesterday, on demurrer, in the suit of Mrs. Mary Evans, wife of John C. Evans, of Milltown, against the New Brunswick and Cranbury Turnpike Company, in favor of the plaintiff.

Mrs. Evans brought suit to recover \$5,000 damages for an accident on the turnpike last Winter, when her cutter was overturned and her horses ran away, throwing her out. It was alleged that the road was defective. The New Brunswick & Cranbury Turnpike Company will be unable to dissolve, although it has disposed of all its property, and this suit is settled, and its property cannot be divided until that time. The company recently received \$5,000 from the Board of Freeholders for its road.

# PHILLIP VOIGT IS FOUND.

Demented Septuagenarian, Had Trampled About for More Than a Week.

Rahway, N. J., June 5.—Phillip Vogt, the demented septuagenarian, who disappeared on May 27, has been found and brought back to his home in this city. He was located at Kingston by a hotel keeper of that place.

Vogt told the hotel keeper his name and the latter immediately telegraphed August Giebelhaus, who, in company with Detective Conger, left for Kingston and returned at midnight with Vogt.

Vogt shows but little indication of his long tramp. When he saw his daughter he burst into tears and asked her where he had been, as he had been looking every where for her. He says that the people he met treated him badly and chased him through the woods and fields.

# INTEREST, NOT A DIVIDEND.

Judge Wheeler Decides That the Wall Paper Company May Pay.

The National Wall Paper Company, Judge Wheeler of the United States Circuit Court decides, cannot be prevented from paying the interest of the debenture stock. Suit was brought some time ago by Henry M. Washburn and others, Judge Wheeler, in his decision, says in part:

"When this suit was brought profits had not been made sufficient for the ensuing interest. Now sufficient profits have been ascertained and certified by auditors according to contract to warrant the payment."

"By the terms of the contract of organization, this interest is cumulative. It is a debt rather than a dividend."

# Condition of the Gold Reserve.

Washington, June 7.—The Treasury gold reserve at the close of business to-day stood at \$109,416,727. The day's withdrawals were \$105,600.

# POTTER NOT A BELASCO EXPERT

## NOT ALLOWED TO TESTIFY TO THE MERITS OF THE BILL FOR MRS. CARTER'S TUITION—A CHECKBOOK GIVEN TO HER MAID BY MR. FAIRBANK'S BROKER CUTS A FIGURE, HOWEVER.

PAUL POTTER was a witness yesterday in David Belasco's suit against N. K. Fairbank for the price of Mrs. Leslie Carter's education as an actress. It was the intention of Judge Dittenhoeffer, counsel for Mr. Belasco, to prove through Mr. Potter (author of the dramatized version of "Trilby") that Mr. Belasco as a trainer of actresses has no superior and that scarcely any bill he could render would be exorbitant.

Lawyer Deming, for Mr. Fairbank, objected to this line of testimony, on the ground that it had not been proven that Mr. Potter was an expert on actresses' education. As the author of "Ugly Duckling," Mr. Potter was, however, permitted to show that Mr. Belasco did a good deal of work in building up Mrs. Carter's part in that play.

Yesterday's court proceedings began with a continuation of Mr. Belasco's cross-examination. The playwright was not feeling well. He had neuralgia. He seemed somewhat worn by his manual exertions of the day before in showing with eloquent gestures how he labored to mould Mrs. Carter into a pliant and supple actress, nevertheless, was not a massive witness. The motions of Don Quixote tilting at a windmill, D'Artagnan spitting an officer of the Cardinal's household, "Kid" Lavigne sparring for an opening or Mr. Doherty preparing to establish an artistic balance between three balls and two strikes are as nothing to those of Mr. Belasco's arms when he is thoroughly aroused and in earnest.

Lawyer Deming, with the air of a man flinging a hand grenade into the camp of an unsuspecting enemy, enlivened the proceedings in the day by saying, "Quite wrong to announce the withdrawal of his name from the Presidential primaries. The Mages people declare that as they have him defeated already they will make him take his medicine."

General Grosvenor tried to have the Presidential test vote declared off, but the McKimley people refused to allow it. It is said orders have been given not to vote for Quay for President.

# ALLEGHENY FOR M'KINLEY.

**No Likelihood of Quay Getting Any Votes In To-day's Contest.**

Pittsburg, Pa., June 5.—The Republican campaign for county offices and the Presidential test vote closed to-night. Meetings were held in all parts of Allegheny County. The primaries will be held to-morrow.

In addition to expressing their preference for President, Republican voters will determine who are to be the party candidates for eleven county offices, for Legislature in the eight districts of the county, for Senate in the Forty-third and Forty-fifth Districts and for Congress in the Twenty-second and Twenty-third Districts.

There is every indication that the regular Magee ticket will fly. The Quay reformers claim they will elect their candidates. They may possibly get one or two. M. M. Garland, president of the Amalgamated Association, is a Quay candidate for County Commissioner. Chris Magee is on the other ticket. He wants to go to the State Senate next term to look after some legislation that will require his personal attention.

Quay declared he would prevent Magee from lobbying at Harrisburg, and Magee proposes to checkmate the Senator by going as a member instead of a lobbyist. It was expected today that Quay would announce the withdrawal of his name from the Presidential primaries. The Mages people declare that as they have him defeated already they will make him take his medicine.

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# BUSY IN ST. LOUIS.

**National Committeemen Will Find Everything Ready for Their Work.**

St. Louis, June 5.—The busiest men in St. Louis are Sergeant-Arms Byrnes, of the Republican National Convention, and Sergeant-Arms Swords, of the National Committee. Colonel Swords has completed every detail for the accommodation of the National Convention, who will arrive here on Monday next.

On the Wednesday following their first formal meeting will be held, when the roll of delegates will be made up. This roll will not include contestants, as that matter will rest with the Credentials Committee.

Colonel Swords hails from Iowa, and has been and is still an enthusiastic Allison man. He wears a large Allison badge.

"You can't say," he said, "that the Senator's name will be presented to the convention. Despite the apparent one-sided appearance of the situation, Iowa will be represented here by large and enthusiastic delegations. Their adherence to Allison has not and will not waver. Nothing is decided until the nomination is made."

Mr. Byrnes visited the office of the ticket printers yesterday and found that the tickets were nearly completed. The demand for tickets is the greatest ever known and the task of allotment before Mr. Byrnes and the National Committee is a difficult and delicate one.

# THOUGHT TO CHEAT FATE.

After Hearing a Fortune Teller Swartz Cut Off Two Children.

Lancaster, Pa., June 4.—There was a singular development in the action begun to-day to recover possession of property in Columbia, valued at over \$100,000.

Conrad Swartz visited a fortune teller shortly before his death and was so greatly impressed with what he was told as to the future careers of his heirs that he decided to balk the decrees of fate as foretold by cutting off two of his children from their inheritance, as well as the children of one of his dead sons, who had been designated by the alleged seer as certain to waste their substance.

He therefore deeded all his valuable real estate to four favored children, and the two who were left out in the cold alleged in their petition to the Court that their father had become the victim of strange hallucinations by reason of his visit to the fortune teller, and that undue influence had been exercised upon him.

# WHITE CAPS SCARE A PASTOR.

Threat to take Possession of his Church Drives Him out of Town.

Virginia, Minn., June 5.—Last week a prize fight here was interrupted by the Sheriff, who came from Duluth on a special train on orders from the Governor, and bagged the two fighters and their four seconds.

Rev. Olin Gary, pastor of the Methodist Church, learned of the intention of pulling off a fight before it took place and was instrumental in having it stopped. Sunday morning last the preacher found this note stuck in his front door:

"Mr. Gary—Sunday night, at 8:15, the White Caps will take possession of your church for stopping the fight Friday night. Better quit early and make yourself scarce. THE WHITECAPS, Secretary."

Mr. Gary sent the note to Sheriff Butchart, and went off on a vacation.

# White Men in Mass Meeting.

Indianapolis, Ind., June 5.—The free silver Democrats of this country held a mass meeting at English Opera House to-night, which was attended by a large number of party workers and many other men who were identified with the old Greenback party and have more recently been regarded as Populists. Speeches were made by Editor Shattuck, of Evansville, and ex-Congressman Shively, of South Bend, the candidates of the free silver wing for Governor, and resolutions were adopted nominating those present to work for free silver platform at the coming State Convention. Large pictures of Governor Matthews were suspended over the stage.

# Silver Mine Owners Put Up Cash.

Omahaw, Neb., June 5.—A private letter from Denver says the silver mine owners have put up \$15,000 as their share of the expense incurred in the fight for free silver at the Chicago Convention, and stubbornly refuse to put up another dollar until other silver States pay over their assessments. If the Chicago Convention shall fail to declare for free silver, the mine owners of the West will at once open negotiations with the Populists at St. Louis and contribute liberally to the campaign fund.

# PRICE GOT HIS PRICE.

It was after recess that Mr. Potter became a witness, with the allure of benefit to Mr. Belasco as above recorded. Edward K. Price followed Mr. Potter as a witness. He told how he came to be engaged by Mrs. Carter, in January, 1890, as the manager of her company. He said that at the close of "The Ugly Duckling" engagement at the Broadway Theatre he wanted a certain sum of money put up or he would quit.

"There was already due me \$3,400," said Mr. Price, "and Mr. Fairbank, with which I met these gentlemen at Mrs. Carter's apartments, and declined to go on unless my payment was made sure. Mr. Willard and Mr. Willard said that Mr. Fairbank had changed all the money he cared to, and he was

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not bound by my contract. Mr. Allen and Mr. Willard said they didn't carry \$3,400 in their pockets. On their assurance that they would communicate with Mr. Fairbank and make the matter all right, I consented to go on. Mr. Willard said he would telegraph me at Toronto. If it was all right, and I got the dispatch the next day saying 'the deposit was made.'

The case was adjourned till Monday.

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