

FLEMING MUST E," SAID SCHEELE.

Heppner Swears the Expert Mist Made That Remark to Him.

ness. He had a regular German memory, and though he had to go over his testimony half a dozen times in two languages, he did not vary enough to count. He enjoys the distinction of being practically the only witness who has not been distressed by Assistant District Attorney McIntyre.

When McIntyre finally gave it up, Recorder Goff took up the witness. It was rather a remarkable thing to see Goff abandon the position of judge of the court for that of examining attorney, but probably the directness of Heppner's testimony excited him. If there was any way by which the Recorder could ascertain which of the two, Heppner or Scheele, was falsifying somebody would go to jail for contempt of court, if he escaped prosecution for perjury.

Everybody, having in mind Goff's examinations during the Lexow investigation, expected to see the witness crumble up, but, beyond a difference in words that seemed comparatively trifling, he accomplished nothing. The difference was over the word "fixed," which the witness afterwards admitted could better be translated "arranged."

Toward the latter end of the session it came Dr. O'Sullivan's turn to worry the witnesses. The first expert he confronted was Dr. W. Gilman Thompson. He looks like a gentleman and qualified as a man learned in medicine, and the trouble with Dr. Thompson was that he was too fair to attempt to evade anything, and the prosecution really turned him to their own purposes. He got off the stand looking very angry with himself because he had not made a better showing in his duel with the medico-legal advocate of the two.

Dr. Gilman Thompson, general medical practice, defense hitherto until Bliss died, not from uterine heart failure, or cholera morbus, sometimes generated in the stomach. The idea of incompetence of the brain, combined to eliminate it may have positive time there can be no symptoms which Mrs. Fleming died are memory of ptomaine poisoning the intense inflammation. As a rule, they do the irritant poisons, but which produce symptoms. These symptoms of the acute characteristic poisons induce severe, it is more a hot iron on the

STRANGE TALK. and Others Give Strong against the Prosecution's Expert.

Witnesses in the Fleming Trial Yesterday. Mr. Heppner declared on the stand that Mrs. Fleming would have to die. Professor Witthaus and Dr. Thompson gave testimony tending to contradict the evidence of Dr. Scheele.

"You and Wilkes frequently go to the Schwartz Brewing Academy?" "No, sir; never," said Heppner. "This case has been told over there a great deal?" "Never that I know of."

He met Ferdinand Wilkes and a number of others connected with the Fleming trial, but denied that there was any conversation about the case. The time he went back to the Harbor Hotel was far to the proprietor, Lawyer Okey accompanied him. There were detectives at the Harbor Hotel at the time.

WANTED ANOTHER WITNESS. "Was he under the influence of liquor when he talked about the Fleming case?" "No; that was early in the conversation."

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EX-JUDGE DITTENHOEFER EXAMINING MILLIONAIRE FAIRBANK.

"And you decided to stick to him?" suggested McIntyre. "No; I'm only here to serve you, Mr. McIntyre."

Dr. Thompson. "I thought I had a duty to respond to the witness. I thought that if what this man Scheele had told me was really true and he had acted as he did he was a danger to the community. It was not for this case alone, but my duty to the people was to come here and tell you, so that he could not act as an expert in the future if he were that kind of a fellow."

After lunch McIntyre began at Heppner again. "When you talked to Dr. Scheele did you tell him you knew Wilkes?"

Mr. Swan. "I think anybody will tell the truth under oath."

Dr. O'Sullivan objected that Dr. Thompson if he had suffered by ptomaine poisoning would not be here to testify about it, but the objection was overruled, and the doctor went on to tell his symptoms—nausea, vomiting, extreme depression, etc.

to come here and tell you, so that he could not act as an expert in the future if he were that kind of a fellow. "Do you remember now on single sentence of all those used by Scheele?"

Dr. O'Sullivan began the cross-questioning. Presently he turned to Brooke. "Do you seriously offer this man as an expert?"

WITTHAUS CONTRADICTS SCHEELE. When the defense got their witness back, they had him say he could distinguish between Bright's disease and arsenical poisoning by a microscopical examination, and also that even boiled shellfish might produce effects of poisoning.

Dr. O'Sullivan cross-examined the expert on mouth tests, chemical formulae, substances, hydrides and much of the same sort and then both sides were happy, and the jury yawned and didn't know or care anything about the relative value of Witthaus's or O'Sullivan's authorities, and as it was 6 o'clock, the court adjourned.

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consistent with ptomaine poison?" continued Brooke. "Might the symptoms be consistent with cholera morbus?"

Dr. O'Sullivan asked him how he knew he had ptomaine poisoning, and received for an answer that he had recently eaten the clam chowder.

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PAID OUT CASH TO PREVENT A SCANDAL. Fairbank Tells Why He Gave Thousands to Mrs. Leslie Carter.

His Lawyers Knew That He Did Not Want It Circulated He Was Her "Angel."

They Advanced Money Without Consulting Him in Order to Forestall Publicity.

Chicago Millionaire Was Willing to Go as High as \$10,000 to Make an Actress, but Sympathy Cost Him More.

The crowd that thronged Part V., of the Supreme Court building, yesterday was in high feather, for it had an opportunity of gazing upon a real live and self-confessed theatrical "angel." The angel was N. K. Fairbank, the Chicago millionaire, aged sixty-seven, and he was on the stand to tell how, why, where and to whom he had disgorged wealth, to promote the theatrical career of Mrs. Louise Dudley Carter. Mr. Fairbank was unusually placid and beamed upon the jury, the auditors, the court officials and, in fact, all save ex-Judge Dittenhoefer.

His Sympathy Excited. Later she came to him and asked for \$7,000 more. She said she had but \$3,000 left, and that with \$10,000 in bank she could secure Mr. E. D. Price as manager, and the venture would certainly be a success.

When asked by ex-Judge Dittenhoefer why he hadn't declined to put up money when Belasco first approached him regarding Mrs. Carter, Mr. Fairbank replied: "I had read her pitiful letters, and they excited my sympathy."

NOT WANT A SCANDAL. In January, 1890, Belasco met Mr. Fairbank in Chicago and threatened to make the financial difficulties of the company public unless the banker put up more money. He also said thirty or forty suits would be instituted by members of the company.

SEMPLER WAS A MANIAC. Autopsy Reveals the Fact That the Brain of President Wyckoff's Assailant Was Affected.

The condition of President George H. Wyckoff, of the Bank of New Amsterdam, who was shot by George H. Sempler on Monday afternoon, was said to be much improved yesterday. The patient's temperature was much lower yesterday morning than it had been for many days, and he was able to take some food.