

# THE CASE OF MURDERED GULDENSUPPE.



JOSEPH CONKLIN - JUROR NO. 7. V.B. WHEELER - JUROR NO. 8. J.C. SCALEGEL - JUROR NO. 9. PETER WATERS - JUROR NO. 10. T.V. BELLOW - JUROR NO. 11. JOS. L. TOWNSEND - JUROR NO. 12.



## MARTIN THORN IS NOW RESTING—SOMETHING ABOUT EACH.

Impressions have you formed?"

"Sustained," said Mr. Howe.

"Well, how do you form them?" came back Mr. Youngs in another direction.

"Objected to," said Lawyer Howe again.

"Sustained," again said the Court.

"What made that impression?" persisted Mr. Youngs.

"Something I saw done. An act I saw."

Mr. Howe again objected, and the Court sustained him.

District-Attorney Youngs withdrew the challenge to the jurors, and Mr. Howe questioned Blomqvist as follows:

Q. Have you done any painting in this case?

A. No, sir.

Q. No houses or fences or anything? Try and think.

A. I have not painted anything in this case, although I painted at the Woodside cottage.

Q. Have you done any painting at the Woodside cottage?

A. No.

Q. You say that you saw something done. When was that?

A. It was on the 29th of June.

Q. What did you see?

A. I passed by the place.

Q. What place?

A. The Woodside cottage.

Q. You live near there, do you not?

A. Yes, about three blocks away.

Q. You have talked a good deal about this case, haven't you?

A. Yes, and a good many people have talked to me.

Q. Have you read what the papers said?

A. I have read something about it in the papers.

Q. Yes, and what you have read has made an impression on your mind as to the guilt or innocence of the accused?

A. An act I saw done produced an impression on my mind.

Q. Something done, eh?

A. Yes, I have formed an impression as to the guilt or innocence of the accused.

Q. Then it will take some strong and decided evidence to remove these impressions from your mind?

A. Decided and rather strong.

Q. Have you not talked to some reporters about this case?

A. Yes.

Q. That was what affected your mind?

A. Yes.

Q. Then, notwithstanding you have made up your mind you could render a fair verdict?

A. I could give a fair verdict.

Q. Something you saw done by this defendant gave you a prejudice against him?

A. Yes, sir.

Q. Yet you think you could give him a fair trial?

A. I could, because what I saw was not sufficient to prevent a fair trial.

Q. You didn't see anybody killed, did you?

A. No.

Q. But what you saw fixed your mind as to Thorn's guilt or innocence?

A. Yes.

Judge Smith would not sustain Mr. Howe's challenge for cause, and the lawyer took advantage of his peremptory challenge, and Blomqvist was excused.

For the benefit of those not familiar with the practice of courts, it should be explained that all prospective jurors are considered to be challenged for cause. These challenges are either withdrawn or insisted on by the attorneys representing both sides. If the Court refuses to allow a challenge for cause the lawyer may get rid of an objectionable juror by the exercise of a peremptory challenge. Each side is entitled to thirty of these.

**Did Thorn Affect Indifference?**

Blomqvist's answers must have been of the greatest interest to Thorn, but he gave no sign of perturbation. Everybody else was surprised and curious. If Thorn shared these feelings he disguised them absolutely. He had need to steel his face, for every eye in the court room turned to Thorn when the taleman spoke of seeing him at the Woodside cottage.

Fredrick D. Backus, of Newtown, was the second man called. He is a prosperous-looking man, with well cropped black beard. It was a work of supererogation to ask if his name was on the tax roll. He knew neither Thorn nor Guldensuppe, but had heard and read about the case, and had a strong opinion regarding it.

You say you have formed an opinion as to the guilt or innocence of the defendant?" repeated the District-Attorney.

"I should judge he was guilty," was the unexpected reply.

The ghost of a smile seemed to flit over Thorn's face, but if he did smile it was only for a moment. Everybody gave a second look. His face was as impassive as ever.

Mr. Backus admitted that he might be able to set his pre-judgment aside as it was formed, but thought he would insist on Thorn proving his innocence, so Judge Smith let him go.

Felix Gunther was the next. He is a hotel keeper at Jamaica and had talked over the case with many of his guests. His examination began much like that of his predecessor. He, too, blurted out that he believed Thorn to be guilty, but he thought he could try him fairly anyhow.

Mr. Howe went at him patiently, and got from him that he knew ex-Judge Weller quite well.

"Would you not rather accept a narration in this case from this gentleman, of whom you think so highly, than from Mr. Howe, a stranger?" he said, sweetly.

"I don't think it would make any difference to me."

Judge Smith did not want to let the taleman go, but Mr. Howe got from him the acknowledgment that he would expect Thorn to prove his innocence, and that disqualified Mr. Gunther.

Andrew Olsen, a North Hempstead farmer, did not understand English well enough to suit the lawyers, so they let him go, and tried to make a jurymen out of Charles Crawford, of Astoria. He was qualified to be a juror. He had no recollection of the case, and if he had an opinion about it it was not strong enough to prevent his being a fair juror.

Mr. Youngs was satisfied with him.

Mr. Howe took him up and learned he had a great admiration for his friend, the

District-Attorney, but his admiration would not make him unfair to a prisoner.

He understood the presumption of innocence.

"I have been on juries before," said Mr. Crawford.

"Do you come here to serve on juries?" said Mr. Howe sharply, for the answer sounded like the enemy.

"I come here to do my duty," was the quiet reply.

Howe could find nothing to justify a challenge. The juror assured him he knew

"Has he ever done any business for you?"

"Yes, a little will business."

"A little will business," exclaimed Thorn's counsel. "Why, sir, a little will business may be a big will business."

"Was it as a lawyer or as a surrogate?" interrupted Justice Smith.

"Only as a surrogate," replied Blumstead.

"Oh," said Mr. Howe, "that is all right. I beg the witness's pardon."

"Now," asked Mr. Howe solemnly of the taleman, "have you not read something of this case?"

"I have seen articles in the papers, but I have paid no attention to them."

"Do you mean to tell me," persisted Thorn's counsel, "that you have not noticed hanging letters, that big chocking his hands a foot apart, with big pictures; do you mean to tell me that you have not read such articles?"

"No, sir, I paid no attention."

**Howe Touched the Domestic Chord.**

"You are married and have a family;

have you not?"

"Yes, sir."

"Now," said Mr. Howe, lowering his voice impressively, "you know that you are to be sworn as a juror. Are you prepared to say that at the present time you have no prejudice against the defendant, that you will, from the evidence, give a fair and impartial verdict?"

"I am always prepared to do that, sir," answered Blumstead, with equal positiveness.

"Then," said the lawyer, "I withdraw the challenge and accept you as a juror."

Bumstead is a prominent oyster planter of Oyster Bay. He is a partner in the business of John Bagle, an oyster dealer, whose place of business is on Tenth street, and who is a well-known member of Tammany Hall. Bumstead is fifty six years old and a sturdy type of a prosperous country merchant. His attitude while in the witness chair and his prompt and emphatic replies made a favorable impression on the

American. He has made a competency at farming, and says he does not do much of anything now. He does not remember his exact age, but declares that it is not far from sixty. He is of the farmer type, has a ruddy face and his chin beard and hair are almost white.

There was one more taleman examined at the morning session. This was Michael Daly, of Bayside, Flushing. He has a store there, and had talked with his customers so much that he would not do. Thorn was led away by his guards back to jail. The crowd stared after him, and court adjourned for the noon recess.

**TEN JURORS IN THE AFTERNOON.**

So Quickly Selected as to Amaze the Spectators and Even Surprise the Judge.

At 1 o'clock there came again the slow shuffling of feet through the doorway of the court room. Again the queer rows of faces peered from the gallery; again the silent poring over ponderous tomes and formidable documents, and again the solemn and pallid man listened to the questions.

In every turn of Thorn's queer eyes there was a stony look of self-possession. And what eyes they were.

They were dead eyes; soulless eyes. They had strange, almost hypnotic, like those of a cobra. They were not eyes to impress a juror and a jury.

The court adjourned, for order. The shuffling feet became quiet. The room took on the air of a prayer meeting. The judge fumbled at his neck and looked up at the skylight as though the ventilation were troubling him.

The two jurors already selected sat in their seats as solemn as ever. Thorn sitting quietly behind his counsel looked furtively under his light brows at those about him.

"Bang" went the judge's gavel. The quiet in the room deepened. The name of Charles Vlek was called. He failed to appear. The court's officers called the name of Henry Gebhardt. A sharp-nosed, smooth-faced man appeared.

District-Attorney Youngs began to question him. He had not heard of William Guldensuppe, had not read of the case, knew what circumstantial evidence was and made himself out to be a very fine kind of taleman.

The learned judge took a hand in the proceedings. He inquired whether the taleman had any prejudice about convicting a man on circumstantial evidence. He had not.

Then Mr. Howe arose. The creases in his neck were protuberant and aggressive. He brought out the fact that the taleman had heard of the murder case of William Guldensuppe.

"Have you any prejudice either for or against the defendant?" asked Mr. Howe.

"I have," replied the taleman.

This settled Mr. Gebhardt's chances. Mr. Howe challenged peremptorily and the sharp-nosed man withdrew.

Next came David Fowler, a clean-looking, well-dressed gray-mustached man of about fifty. He had read and heard of the case of William Guldensuppe and declared that it would take a very strong argument to change his preconceived opinion.

Christian D. Bohmeyer was next submitted to the ordeal of examination. He had heard of the case, he said, but had expressed no opinion. He had no objection to capital punishment.

The District-Attorney then proceeded to cross the witness over, as a spider weaves a web around a fly. He was asked to quote circumstantial evidence. He stumbled, halted and was finally helped out by the judge. Lawyer Howe was listening with all his might.

When District-Attorney Youngs had done

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District-Attorney William J. Youngs Examining Jurors for the Trial of Thorn.

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