

ONE 'BUNNY' LETTER IN BYWIDE MAIL

Others Unfit to Read Are Excluded in MacFarland Poison Case in Newark.

DIVORCE STORY DENIED

Accused Husband Not Called as Witness and Case Goes to Jury This Morning.

Two disappointing surprises for the spectators and an object lesson in the swiftness of New Jersey justice yesterday marked the second day of the trial of Allison M. MacFarland, in Newark, on the charge of murdering his wife with cyanide of potassium on October 18.

The taking of evidence was completed, counsel presented their arguments to the jury and all that remains is for Chief Justice Gummere to charge the jury this morning and receive the verdict. MacFarland's counsel failed to call him as a witness and fifty letters showing the prisoner's alleged friendship for a woman other than his wife were barred out by the Court on the ground that they were unfit to be read, but the jurors will be permitted to peruse them after they retire to deliberate upon their verdict.

Miss Florence Bromley, of Philadelphia, who had been employed by MacFarland as a stenographer, was not called as a witness and only one letter in which she figured was read in court.

"Dearest Bunny" Letter Read.

This letter was addressed to the young woman by MacFarland and was in part as follows:

"MISS FLORENCE BROMLEY, PHILADELPHIA, PA. DEAREST BUNNY—Received your three letters, but none since my last. I am held for causing the death of my wife, but am not worrying about it, as, of course, it is preposterous, and will come out right in the end. As you know, my wife agreed to everything, and while she might have taken her life purposely, I think she did it by error.

Please do not be discouraged about it, dearest. Forget all about it for the present. It is a terrible mess, but you, dearest, are in no way responsible and I do not feel that I am to blame in the matter. My knowledge of innocence and your love will keep me up.

Remember, above all things, dearest, do not worry over it. What is to be will be, and at the worst we only die. Keep close to me on your wireless. Remember, I think of you always. It seems such a pity when our affairs were going so smoothly. It will be two weeks or so before anything more happens. I will write you if you want me, but the letters are read. Everybody knows about us, but there is nothing getting outside. Write care of District Attorney's office, Newark, or don't write, as you think best. I know you are there, even if you don't write. With all my love, "AL."

Prosecutor Mr. Thien introduced several other letters written by MacFarland after his arrest. One was to Andrew MacFarland, an uncle of the accused man, at Hammononton, N. J., and another was to William Epstein, of No. 23 Broadway, New York.

Had Talked of a Divorce.

In the letter to Mr. Epstein MacFarland said in part: "I have found dead from poison, and as it was while I was away you do not know just how it happened. I am held by the District Attorney to answer for it. Can you fix it with one of your friends to take my case? You remember I told you something about my family affairs. You know we had talked divorce off and on for five years or so and this summer I definitely arranged. I was to give evidence on statutory grounds and to get it. She was to take the little and I was to take Robert, and she was to have one-third of my income and all in Rockland."

It was settled in a friendly way and the accused fairly was contented with his lot, but as I did not know any such thing, but as I did not know any such thing, I am not able to say for certain occurred. We were only waiting for the lawyers to start it."

Parents Deny Divorce Story.

Mr. and Mrs. George S. Crockett, of Newark, Me., parents of Mrs. MacFarland, called as witnesses by the State, testified they never had heard their daughter say anything about a plan to obtain a divorce from MacFarland, although an objection to the answers going in the record was sustained by the Court.

It was testified by Mrs. Crockett, who was written by Mrs. MacFarland, that before her death, was admitted evidence. It indicated that Mrs. MacFarland was not dependent and told of her doing things several days before. Mrs. Crockett said her relations with MacFarland had always been pleasant.

William J. Kinsey, a handwriting expert, testified the "Bunny" letters were written by MacFarland.

Mr. McDermitt opened the defense by declaring he would show that Mrs. MacFarland was not a stranger to the use and ready qualities of cyanide of potassium, which she had used in photo developing in Philadelphia and had known of its use in medicine since she was a child. The lawyer also said he would show that even if it was true MacFarland was infatuated with Miss Bromley he did not fail to provide for his wife and family.

Mr. McDermitt called as a witness Andrew MacFarland, of Hammononton, N. J., the aged uncle of the defendant. He testified that when he lived with Mr. and Mrs. MacFarland in Philadelphia there were bottles marked "cyanide of potassium" in the house and the solution had been used to clean silverware.

Mr. McDermitt called Detective Gofrey and had him identify the original statement by MacFarland. The lawyer said he would offer this statement instead of letting MacFarland on the stand, thereby saving time and gaining the same result.

Away When Wife Took Poison. MacFarland's statement took the absence with his son in New York city on the night his wife took the poison and of finding her apparently dead on his return home, with a younger child playing by her side. He went for Dr. Gale. Following are parts of the statement. "I asked the doctor if he knew the cause of death and he replied it might be poison heart failure, and the doctor asked me there was anything about a poisoner, and we looked over the bottles of medicine closet, and I pointed out one containing carbolic solution, a bottle containing some morphine."

'I'm Guilty,' She Cries at Murder Trial of Brother

Mrs. Theresa Martin Declares She Left Husband for Charles Muldoon, Whom She Killed When He Insulted Her.

PROMISE OF IMMUNITY ELICITS HER CONFESSION

After a day of dramatic cross-examination, during which she led her hearers time and time again to the brink of the revelation which may lead her in turn to the State prison, Mrs. Theresa Martin testified yesterday that she was alone responsible for the death of Charles Muldoon, for whose alleged murder her brother, James McDermott, is on trial before Judge Foster, in the Court of General Sessions.

The testimony of Mrs. Martin, who is twenty-two years old, was punctuated frequently by her sobs as she wavered between love for her brother and fear of the personal consequences which might result from the revelation which she often suggested but never made. It was only when Robert E. Manley, Assistant District Attorney, repeatedly assured her that she would receive immunity from prosecution on the homicide charge that she made the admission which may free her brother from the charge of manslaughter in the first degree.

Mrs. Martin's admission came after Louis J. Schwartz, secretary to Coroner Herman Hellenstein, had given testimony which later may cause her to be prosecuted on a charge of perjury. Mr. Schwartz identified a statement signed and sworn to by Mrs. Martin in which she said her brother had stabbed Muldoon. Then Mrs. Martin was recalled to the witness stand and Francis P. Gallatin, counsel for the defense, asked:

"Who struck the blow that killed Charles Muldoon?"

"An answer to that question might incriminate me," said Mrs. Martin in a low voice.

"Ask the Court," said Mr. Gallatin, "to explain to this witness again that Assistant District Attorney Manley has promised her immunity on this charge if she will answer that question."

"And I ask the Court," said Mr. Manley, "to explain to her what perjury is."

"The required explanations were made and Mr. Gallatin repeated his question. "I ask you," he said, "who struck the blow, who drove the knife through the heart of Charles Muldoon?"

"There was no answer. The only sound in the room was the quick breathing of the woman in black who sat in the witness chair.

"Did you?" questioned Mr. Gallatin after a few seconds.

There was another pause, and then the woman in black answered, slowly and deliberately:

"Yes, I did," she replied, and then looked up as if a great load had been lifted from her mind.

Mrs. Martin was then excused from the witness chair and during the rest of the session sat in the court room and listened to witnesses called by Mr. Manley to prove that she had perjured herself in order to save her brother.

During the morning session Mrs. Martin was cross-examined by Mr. Manley. She said she lives with her sister, Mrs. Vaughn, at No. 435 West Forty-first street, but at the time of the death of Muldoon she was living a short distance from the scene of the fight. At the request of Mr. Manley she told the story of the quarrel which caused the fight.

Tells Story of Crime.

"I left my husband on account of Muldoon," she said. "My brother James didn't like him and didn't want me to go with him. On the night of March 27, 1909, my brother came to the café at No. 71 Lenox avenue, and found Muldoon and me sitting together at a table. James immediately began to upbraid Muldoon for his conduct."

In the Children's Court yesterday before Justice Olmsted, two nine-year-old lads, who said they were Harry Melia and John McDonald, were charged with juvenile delinquency. Back of the charge there was a story of the robbery of a subway station and the spending of nearly a hundred dollars in dimes.

The boys, it was charged by the police, had stolen from the ticket office of the subway station at Fort-second street a bag containing \$100 in dimes, and had spent the money as quickly as possible. The detectives said they had squandered \$85 before they were arrested in Third avenue. When caught the two lads had nearly thirty youngsters with them. They were about to take all the lads into a moving picture show when arrested.

Melia gave his address as No. 337 East Thirty-ninth street and young McDonald as No. 335 East Thirty-seventh street. The complainant, John J. Cummings, of No. 61 Middleton street, Brooklyn, ticket agent at the subway station at the Grand Central, said the first he knew of the theft was when Detectives Andrews and Sharp, of the East Thirty-fifth street station, entered his subway ticket office and informed him.

A woman who has a candy store in Third avenue near Thirtieth street put the police upon the trail of the boys. She called at the East Thirty-fifth street station and said that two youngsters with a bag of money stamped "Interborough" were handing dimes out to their friends, tossing money to newsboys and buying presents for themselves and companions. Justice Olmsted remanded the boys to the care of the society until February 2 for further examination.

"Nat" Goodwin To Be a Witness. Nat Goodwin was on hand yesterday in the United States District Court in readiness to appear as a witness in the trial of George Graham Rice, Bernard H. Scheffels and others on charges of using the mails to defraud. Mr. Goodwin is under subpoena for the defense, but his services were not required yesterday. The actor has been away from New York for several months on a tour. He is expected to be in the city on the grounds of the Nat Goodwin & Co. stock brokers, and the Scheffels company.

Boston Woman Wants Out Licenses. [SPECIAL DESPATCH TO THE HERALD.] BOSTON, Mass., Tuesday.—Mrs. William Binot, a prominent Back Bay resident, wants the Legislature to pass a bill to license cats, because, she says, cats spread disease among children.



THE HERALD PHOTO. THERESA MARTIN LEAVING COURT.

treatment of me, and then Muldoon refused by insulting me. I went to my home a few doors away and got a knife. I returned to the café and found Muldoon and James there still.

"What did you do then?" asked Mr. Manley.

"I decline to answer," replied Mrs. Martin, "on the ground that it might incriminate me."

"What did you do after Muldoon was killed?"

"I furnished James with money to pay his way to Denver, Colo.," she said. "He said he would take the blame on himself and stay away until the whole affair was forgotten."

"Why did you do that?" asked Mr. Manley.

"Because"—and then the witness halted. "I decline to answer," she said, "because it might incriminate me."

Mr. Manley then said he would grant immunity from prosecution on this charge, but she declined to accept the offer.

"Did you sign a statement to Coroner Hellenstein in which you said that your brother killed Muldoon?"

"Yes," she answered; "I swore to such a statement, but it wasn't true."

"Is that all you can tell me?"

"Yes, yes!" she replied hysterically. "That is all I want to tell you. But, before God, everything I tell you is the truth. Jimmie did not do it."

"On that you tell us," said Mr. Manley, "that you went back to the café with the knife and that you approached Muldoon with the knife in your right hand. Won't you tell us what you did then?"

"No, I might incriminate me."

When Mrs. Martin was excused her brother was called to the stand. He said that he had been too intoxicated to remember what happened on the night Muldoon was killed. He could not identify a sworn statement which he made to James E. McDonald, Assistant District Attorney, after he was brought back from Denver.

In that statement, it is alleged, he said he had stabbed Muldoon. He is twenty-four years old and was a clerk in the Hotel Belmont, in West Forty-fifth street. The case will go to the jury this morning.

CHICAGO, Ill., Tuesday.—Steiner G. Langher, margin clerk for the G. H. Hammond Company, plant of the National Packing Company here, began his sixth day on the witness stand to-day when the trial of the ten Chicago packers was resumed.

John Barton Payne, representing Edward Tilden, president of the packing company, had Mr. Langher read the entries from the sales books of the corporation showing the difference in selling price of the dressed beef in New York and Boston by different companies on the same day.

Comparisons were made in which the selling price varied from five cents to ninety-four cents a hundred pounds. The object of this was to refute the government charge that the margin was a material factor in making the selling price.

Other entries from the sales books were shown to show that the selling price of dressed beef did not increase in the year and a half which the government declares hides in figuring the cost of meat.

From February to May, 1908, when no allowance for hides was made, the highest amount received for beef in New York was \$10.65 and the lowest \$7.83 a hundred pounds. In the corresponding period of 1909 \$8.25 was received in February, with an allowance for hides. In May of the same year, when the allowance for hides was resumed, \$9.50 was the maximum received for dressed beef in the Eastern market.

Counsel for the government called attention to an error in figures given by Mr. Langher for the average selling price of a certain car of dressed beef shipped to New York and used by the defense in making its comparisons. He showed that the average price was given as \$11.20 when it actually figured \$11.45 a hundred pounds.

"Are all the figures you have been giving me the result of your research as accurate as this?" asked counsel. The witness did not answer and a moment later he was excused.

\$12,000 VERDICT FOR WIDOW.

Believing the allegation that the firm of Charles Heitzel & Son, of No. 112 West Thirty-first street, had so obstructed the free escapes that the employees were cut off, a jury in the Queens County Supreme Court yesterday returned a verdict of \$12,000 in favor of Mrs. Catherine Goetz, widow of Michael J. Goetz, who was suffocated in the Heitzel factory in November, 1909.

When a motion was made to set the verdict aside on the grounds of the being excessive Justice Van Sicken refused to grant it. A personal judgment was also given against Charles A. Heitzel, the head of the firm.

MR. EDWARDS OBTAINED BY JUDGE SWANN

Police Commissioner Failed to Supply Record of John Fox's Burglar, Whose Sentence Was Light.

Judge Edward Swann, of the Court of General Sessions, made public last night a letter which he had just written to John Fox, formerly president of the National Democratic Club, who wrote to inquire why the burglar who entered Mr. Fox's home on the night of December 8, last, had received a sentence of only four months.

Mr. Fox asked Judge Swann to make an investigation. In his reply Judge Swann accuses Police Commissioner Waldo of negligence in failing to require the police to furnish the criminal record of a prisoner to guide the Judge in passing sentence.

In the letter Judge Swann states: "I find that this case was called the defendant, John Edwards, offered to plead guilty to unlawful entry, a misdemeanor, and there being no police record among the papers or in the possession of the very brave officer who made this arrest, Justice Marcus, of Buffalo, did not know and had no means of knowing, except through the Police Department, that the defendant was a notorious burglar with three prior convictions."

"Why the Police Department does not now provide the arresting policeman with the criminal record of a prisoner who is on trial when the policeman is a necessary witness and is the only source of information to the Court, the Police Department is best qualified to say."

"It is not the fault of the arresting policeman, but of some arbitrary rule of the department. Of course, the criminal record could not be used in direct examination, but is extremely necessary on cross-examination of the defendant, or when he pleads guilty."

Edwards, who is known to the police under six different names, told Justice Marcus that he had never been convicted before except on a disorderly conduct charge. Judge Swann's private secretary yesterday found his previous record, furnished by the Police Department on a previous indictment.

"If the Police Commissioner," said Judge Swann last night, "wants to put his theory into practice he might let us know why he has discontinued the practice of furnishing the criminal record of a prisoner to the Court. If he furnished this record he would not waste near so much time in complaining about the suspended sentences given by the judges of this court. It would be interesting for the public to know the real reason."

PROTESTS WILL OF J. W. HUNT. Half Brother Wants It Construed, While Widow Sues to Reopen Divorce Case.

Supreme Court Justice Blachoff yesterday began the trial of the suit brought by Bunyan Lucas, of Shawnee, Okla., to construe the will of his half-brother, John W. Hunt, the wealthy typewriter manufacturer of Dallas, Texas. Mr. Lucas was cut out with \$1,000 and a small farm in the will, which also provided for the establishment of a charitable institution in Georgia, at a cost of about \$1,000,000, as a memorial to Mr. Hunt.

Mr. Lucas says that the charitable bequest was illegal. The will in question was executed in New Jersey and probated in Florida.

A short time before his death Mr. Hunt was granted a divorce from his wife, naming Prince Alexander Tcheredjief, of Russia, whom, Mr. Hunt said, she had met while touring Europe. Mrs. Hunt is now residing in Brooklyn to reopen the divorce case.

It is a Little Thing, Locked in a Sheriff's Safe. Sheriff Julius Harburger locked up in his safe yesterday a little painting on bronze, eight and seven-eighths inches by six and a quarter, called "The Holy Family," which is said to have been painted in the Middle Ages and to be worth \$20,000. The painting had been seized from William Heller, of No. 1468 Commonwealth avenue, the Bronx, in pursuance of a writ sworn out by Francis Irato.

Irato asserted that the painting was an heirloom belonging to his late wife, Mrs. Carmela Irato, who, he says, loaned it to James Winter, president of a piano company. Irato is trying to recover the painting as administrator of his wife's estate.

Mr. Winter says that Mrs. Irato gave the painting to him and that he turned it over to Mr. Heller.

LAWYER SENT TO PRISON. Justice Vernon M. Davis, in the criminal branch of the Supreme Court, yesterday sentenced Noah Loder, Jr., a lawyer, of No. 135 Broadway, to serve a term of not less than two years and six months and not more than three years and six months in Sing Sing. Loder was convicted on a charge of grand larceny preferred by the Rev. John E. Scott, a retired Presbyterian minister of Mount Vernon.

Loder has a country home in Greenwich, Conn., where he is known as a dog fancier. He is a member of the Princeton Club.

Sentenced for Manslaughter. Judge Warren W. Foster, in the Court of General Session, sentenced Robert Harris, a tailor, of No. 224 West 14th street, yesterday, to serve not less than nine years and four months and not more than fifteen years and four months in Sing Sing. Harris pleaded guilty to a charge of manslaughter in the first degree. He was indicted for the murder of Peter Leman, a saloonkeeper, of No. 161 Amsterdam avenue, on the night of November 15, last.

Tong Men Get "\$300 a Killing." CLEVELAND, Ohio, Tuesday.—Secrets of the Hip Sing Tong were exposed in court to-day by Yee Chang, one of its members, testifying to the shooting of Woo Dip, a Chinese storekeeper. Chang said he had been employed as a "gun man" at \$8 a week and fifty cents commission on collections of \$2.50 a week levied by the society upon laundries and others. Those who did not pay were killed, he said, the "gun men" receiving \$300 a killing.

\$2,000 Verdict for False Arrest. A jury in Justice Newburger's part of the Supreme Court yesterday returned a verdict in favor of James F. Davern, an ironworker, for \$2,000 against Walter Drew, president of the National Erectors Association, and six other members of the board. Davern had sued Mr. Drew and the Association for \$25,000 damages for false arrest. Two detectives, also defendants, were exonerated by the jury.

Aged Woman Dead in Courtyard. Mrs. Betty Ordenstein, a widow, sixty-seven years old, who lived at No. 748 West 143rd street, was found in the courtyard of the house early yesterday morning. She always slept with her window open and the police believe she lost her balance and fell.

Illuminated Sausages Will Guide Mary Millionaire Butchers in the Turkey Trot



On the Programme Is a Solo by a Lady Butcher Entitled "Take Back Your Heart, I Ordered Liver," and There Will Be Skewer Hatpin Souvenirs for the Ladies and Diamond Studded Cleavers for the "Gents."

All the "village cut-ups" will gather at Terrace Garden on the evening of April 5, that being the date selected by the butchers of the city for their charity concert and ball, the proceeds of which will be devoted to the founding of a home for aged and indigent butchers. This announcement will interest those excessively wealthy persons who can afford to eat meat as well as those who can afford to dip their bread in the gravy.

While no one could ever recall having seen or heard of an "indigent butcher" it was agreed that the project was worthy, as the presence of a home might induce some of the more rapacious butchers to retire from business.

"Butchers' Night," as the affair will be known, promises to go down in slaughter house social circles as a red letter event, many of the butchers having promised to give their last drop to make the racket a success.

Mr. George H. Shaffer, of this city, is chairman of the committee of arrangements, the other members being William Schneider, Brooklyn; A. C. Sluiter, Queens; and Gus Levy, the Bronx. The plan to take care of butchers who cannot make both ends meet was adopted at the last State Convention. At that time each of the delegates offered to build the home out of his own pocket, but it was agreed that such a course would strengthen the suspicion that the butchers were responsible for the high cost of meat. The home will be erected in the stockyards in Chicago, where the residents can find rest and quiet until their "lights" go out.

"The success of the affair is assured already," said a butcher who requested that his name be withheld because he is in business. "Applications for tickets have been pouring into headquarters—I beg pardon, I mean headquarters—and it looks as if we may have to give a matinee. The concert numbers prior to the dance will be provided by our own talent. The programme will consist of

bone solos and piano selections from "Chopping." One of the lady butchers will render "Take Back Your Heart, I Ordered Liver," and another will recite a selection from "Hamlet." We expect to realize a big 'steak' from the affair.

"What are tickets worth?"

"Fifty cents on the hoof for gents, and that entitles the gent to bring a lady. We have arranged to have the half-finished with incandescent sausages, above the stage the word 'Welcome' will be worked in illuminated wienersurst. In order to make it homelier there will be skewer on the floor—not the ordinary grade, but the most expensive kind. The souvenirs will be solid mahogany skewer hatpins for the ladies and diamond studded cleavers for the men."

"Will you bar the 'turkey trot'?"

"Not on your life. We think we have more right to do it than any other organization. We expect the 'Hamburger Hug' and the 'Cold Storage Cotillon' will cause a sensation. Put on your muttonst and come up. We'll give you a sausage and

NEWSBOY FIGHTS FOR COAST FORTUNE

Lad Found in London Streets Is Said to Be Grandson of Man Who Left \$100,000.

SAN FRANCISCO, Cal., Tuesday.—By an action filed in the Superior Court to-day a London newsboy, fourteen years old, became a contestant for a fortune. The suit, filed by Mrs. Amelia A. Dierks in behalf of Etienne Bullard, a lad whom she by chance found selling papers in London two years ago, reveals the story of the boy's abandonment in Paris after the death of his mother.

According to Mrs. Dierks, she discovered that the boy is the grandson of the late Dennis Hayes, a wealthy pioneer miner of California. The boy's share for all of the Hayes estate, of approximately \$100,000.

The boy's memory of his parents was vague, but Mrs. Dierks learned by investigation, she said, that his mother was Anne Hayes, daughter of Cornelius Hayes, and that she had married Etienne Bullard, a supposedly wealthy Frenchman, against her father's wishes, and had gone to Paris to live. Further inquiry revealed the whereabouts of an aunt, Mrs. Cecilia Laib, living in San Francisco, and Etienne was taken to her by Mrs. Dierks.

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ELOPERS BATTLE SNOWSTORM. 18-Year-Old Delaware Girl Flees Two Miles in Drifts to Minister's Home.

WASHINGTON, D. C., Tuesday.—[LAFAYETTE, Del., Tuesday.—Emma Richardson, eighteen years old, daughter of Jasper H. Richardson, a Little Neck farmer, eloped in the most approved way Saturday night by climbing down a ladder held by her sweetheart, George D. Peterson, a young telegraph operator. They walked more than two miles in a blinding snowstorm to the residence of the Rev. Martin V. Pierson, who married them.

The girl was wet and in a fainting condition when she arrived, but the minister's wife furnished her with dry clothes, and later, in a borrowed team, the couple drove sixteen miles to the home of the bridegroom's father, where they are spending their honeymoon.

Hold Man Accused by Buehler Girl. CHICAGO, Ill., Tuesday.—Charles McClain, named by Violet Buehler in her story of infrequency told to Juvenile Judge Pinckney, was held today for the grand jury under bonds of \$2,000. The child told of relations with him before she ran away from her mother's hotel to New York.

SPECIAL NOTICES. SPECIAL NOTICES.

Advertisement for The New Jersey Central Famous Fast Flyers to Philadelphia. The ad features a large illustration of a train and text describing the service, including departure times and the slogan 'HARD COAL—NO SMOKE—NO TUNNEL'.