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Madeline Pollard

vs. Breckinridge.

A YOUNG SCHOOL GIRL.—A MEMBER OF CONGRESS.



THE MOST CELEBRATED

Breach of Promise Case

IN THE HISTORY OF THIS COUNTRY.







MADELINE V. POLLARD.

# THE CELEBRATED TRIAL MADELINE POLLARD

VS.

# BRECKINRIDGE

THE MOST NOTED BREACH OF PROMISE SUIT IN  
THE HISTORY OF COURT RECORDS.

CONTAINING

A GRAPHIC STORY OF THE SENSATIONAL INCIDENTS IN THE JOINT LIVES OF  
THE NOW FAMOUS LITIGANTS, AS GIVEN IN THEIR OWN WORDS.

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THE TWO STORIES DIFFER WIDELY AS TO THE MATERIAL FACTS IN THE CASE  
—TESTIMONY OF THE KENTUCKY SCHOOL GIRL DIRECTLY CONTRA-  
DICTS THE STORY OF THE SILVER-TONGUED ORATOR AND  
STATESMAN — TESTIMONY OF PROMINENT WIT-  
NESSES FROM VARIOUS STATES UNCOVER-  
ING STARTLING INCIDENTS IN  
THE LIVES OF PLAINTIFF  
AND DEFENDANT.

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THE SURPRISING DISCLOSURES AND DRAMATIC SCENES THAT FILLED THE  
COURT ROOM WITH A THROG OF EXCITED SPECTATORS FULLY  
DESCRIBED—THE MOST SENSATIONAL TESTIMONY  
EVER PRODUCED IN COURT.

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ONE OF THE MOST DRAMATIC AND HOTLY CONTESTED LEGAL BATTLES OF  
MODERN TIMES—AN ARRAY OF LEGAL TALENT RARELY EQUALED  
IN COURT ANNALS IN POINT OF ABILITY AND ELOQUENCE.

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JUDGE BRADLEY'S CHARGE TO THE JURY.

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SPEECHES OF COUNSEL AND DECISION OF THE JURY.

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— TO WHICH IS ADDED —

A COMPLETE BIOGRAPHY OF COL. BRECKINRIDGE AND MISS POLLARD—HIS  
COLLEGE DAYS—WAR RECORD—PROMINENCE IN CONGRESS.

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WITH MANY PORTRAITS AND ILLUSTRATIONS.

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3.00  
J. W. Miller

## PREFACE.

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IN presenting this book to the public, it has not been our intention to pander to the tastes of the depraved and vicious; but rather to gratify a natural desire on the part of the intelligent reading public for the details of a trial which, on account of the prominence of one of the contestants, has become, perhaps, the most celebrated breach of promise trial in the history of this country. We also trust that this trial will be a warning to the millions of boys and girls in our country whose characters are just being moulded, and who are at that age when they begin to realize the duties and responsibilities of life. The book can not help being of value to this class of persons, putting them as it does on their guard by holding up to their view the terrible consequences of the perfidy of man and the frailty of woman; and we believe it will serve as a warning to our women of maturer age, as well as a striking example to our men, teaching the latter to respect the wives, daughters, and sisters of other men, as they desire and hope that theirs should be respected. It once more vividly illustrates the truism that inevitably, in the long run, "the way of the transgressor is hard."

When this book was announced, it was our intention to give a verbatim report of the testimony in this celebrated trial, but we early found it necessary to eliminate tedious technicalities and such portions of the testimony as were unfit for publication. We do not claim originality; we have merely interwoven the main facts of the trial and the evidence and pleadings of eminent counsel in a manner that, we hope, will be found readable and instructive.

THE PUBLISHERS.

## BIOGRAPHICAL SKETCH OF MISS POLLARD.

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Madeline Valuria Pollard, alias Madeline Vinton Pollard, alias Madeline Vinton Breckinridge Pollard—which names, according to the testimony adduced, she assumed at different times in her career—was born, as near as can be got at, in 1866, at Frankfort, Ky. Very little of her mother's history is known, only that she was a good woman and a good mother. Her father, whose memory she seems to revere, was a man of little education, as far as school education was concerned; but he was evidently a man of considerable brain, and in a great measure a self-educated man. Well read he must have been, from Miss Pollard's testimony in regard to him; and according to his daughter, he took great delight in teaching his "little guyrl" all he knew. Her home life while her father lived must have been a pleasant one, for she said, in answer to a question of Mr. Butterworth while on the stand: "Why, Mr. Butterworth, I played more than any little girl you ever knew." Her father's name was J. B. Pollard, and he followed the occupation of "a saddler." He stood high in the ranks of the orders of both Masonry and Odd-Fellowship, and these facts alone are sufficient to put him on the higher plane, and mark him one of God's noblemen. And at his death both these orders showed their high appreciation of the man and brother by their attention to his obsequies. After his death the family seemed to have been, in a measure broken up. He dying in 1876, leaving seven children, some of them being cared for at the Odd-Fellows' Home and some remaining with her mother, Miss Pollard went to live with her aunt in Pittsburg, where she remained from June, 1876, until the last of August, 1882. While with her aunt in Pittsburg, she attended the Public Schools, and there received the rudiments of her education. From her aunt's she returned to her mother at

## BIOGRAPHICAL SKETCH OF MISS POLLARD.

Frankfort, and from there went to an aunt's house near Lexington, where she remained until September, 1883.

Next we find her at Wesleyan College, in Cincinnati, one of the oldest and best female institutions of Cincinnati. Her course there, as far as her studies were concerned, was one of pronounced success, and she was looked upon as one of the brightest, if not the best essayist in her class and in the college. Possibly a description of the impressions she made, both as to her ability and as to her style, can best be given in the language of one of her classmates: "Ten years ago, when Madeline Pollard attended the Wesleyan College, she seemed a girl of about seventeen, or possibly eighteen, years of age. Exceedingly quiet and modest—so much so, indeed, that a habit of always looking downward, or covering her eyes with the lids (for she always held her head up, although her eyes were cast down), made the rumor that she had entered college after having attended a convent easily believed; that, by the way, being the general impression, that she had so far obtained her education from the sisters. 'There seems to be no way of describing her manner better than as *'mouse-like,'* so quiet and unobtrusive, and yet leaving one with the instinctive feeling that, although her eyes were covered, she was *ever* watchful. She was much given to study, and was considered the best essayist in the school, and when her turn came to read her essays during morning exercises, each scholar gave special attention, for it was sure to be interesting as well as well written. At one time there was a contest between the two literary societies of the college, and the contest on the essays was won by Miss Pollard. There were three prominent and highly educated gentlemen of Cincinnati as judges, and before an audience of five or six hundred people. In appearance she was quite an ordinary girl, certainly not remarkable for beauty. She spoke slowly and with a little lisp, and had quite a stock of fun within her, which would show itself in many ways, especially in repartee. She dressed as one in *very ordinary* circumstances, and as compared to many others, she might even be said to have dressed poorly. It was known in a general sort of a way among the scholars that she was being

## BIOGRAPHICAL SKETCH OF MISS POLLARD.

educated at the expense of her guardian, a Mr. Rodes, and when she finished school she was to marry him."

From the Wesleyan College she went to the Sayre Institute of Lexington, where she remained a year or more. Her peregrinations afterwards are so well known by the public that it is hardly necessary to enter into further details. There is hardly a question but that her aspirations in literature were high, nor can there be much doubt that she had mental capacity sufficient to raise her above the ordinary class; and she may yet, with all her trials and tribulations, carve for herself a name in the literary world.

# BIOGRAPHICAL SKETCH

OF

## COL. W. C. P. BRECKINRIDGE.

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WILLIAM CAMPBELL PRESTON BRECKINRIDGE, defendant in the celebrated Pollard-Breckinridge breach of promise suit, was born in Baltimore, Maryland, August 28, 1837. His father was Robert J. Breckinridge, a pious Presbyterian divine, and his mother Sophonesba, daughter of General Francis Preston, and granddaughter of William Campbell.

Colonel Breckinridge's father lived between 1800 and 1871, Attorney General Breckinridge between 1760 and 1806. His greatgrandfather, Colonel Robert Breckinridge, of Virginia, came to that State from Pennsylvania with Alexander Breckinridge, his father, an Irishman, who reached America from the old country in 1728.

Staunton, Fincastle and Charlottesville, Virginia, and Lexington, Kentucky, mark the various destinations of this race after they left Pennsylvania.

The emigrant's wife in this country is said to have been named Preston. His son's wife was named Lettice Preston. The wife of John, the Attorney General, was Mary Hopkins Cabell, of Virginia. The father of the defendant in this trial was his mother's second cousin, Sophonesba Preston, and her mother was a daughter of General William Campbell, of King's Mountain, and granddaughter of Patrick Henry's sister. The defendant's maternal uncles were Hon. William C. Preston and General John S. Preston, and his aunts were Mrs. Governor McDowell, of Virginia, and Mrs. John N. Floyd. The defendant had a brother in the Confederate Congress. His next brother below is Inspector General Breckinridge.



## BIOGRAPHICAL SKETCH OF BRECKINRIDGE.

Colonel Breckinridge was favored with unusual educational advantages, pursuing a thorough course of literary studies at Transylvania University, Lexington, and Center College, Danville, Kentucky. In these institutions there have been educated many men who have attained prominence in the history of our country.

Mr. Breckinridge, after graduating at Center College, Danville, Kentucky, entered the University of Louisville, where he pursued a complete course of law studies. He graduated in 1857 and soon afterward began the practice of law in Lexington.

At the beginning of the war he enlisted in the Confederate army and was made a Captain in General John H. Morgan's cavalry; was soon promoted to Colonel of the Ninth Kentucky cavalry, and in 1863 to the command of the Second brigade in Morgan's division and commanded the same at the battle of Saltville, and with the remnant followed the retreat of President Davis into North Carolina and Georgia, until his capture and the general surrender. Colonel Breckinridge was an able commander and a gallant soldier.

Returning to Lexington at the close of the war, Colonel Breckinridge at once resumed the practice of law. He served as attorney of Fayette county and was for two years editor of the Lexington Observer and Reporter. He was elected to the Chair of Equity and Jurisprudence in the law department of Kentucky University, which position he held for five years. He was elected to Congress in 1884 from the Ashland district. He was re-elected in 1886 and has retained his seat until the present time.

Colonel Breckinridge is a natural orator, and his silvery eloquence has graced and vivified the political hustings, the courtroom and the legislative hall.

As a lawyer he has been a learned advocate, a profound expounder of law principles in college and before the bench. As a soldier none was more chivalric. A Captain under the famous John H. Morgan, he was a worthy military companion of that dashing cavalryman. As a natural legislator he has been one of the most brilliant representatives in the United States Congress. He has been a hard worker in committee rooms, a valuable member of the important Committees of Ways and Means and Appropriations. He is a ready, powerful and eloquent speaker in the conflicts on the floor of the House. Mr. Breckinridge has been honored by the conferring

## BIOGRAPHICAL SKETCH OF BRECKENRIDGE.

of the degree of LL. D. by three institutions of learning. Cumberland University, Lebanon, Tenn.; Central University, Richmond, Ky., and Center College, Danville, Ky., have each thus honored him.

Possessing a national reputation as an eloquent speaker, his services as a lecturer before colleges and other institutions have been in frequent demand. He was selected to deliver the opening address at the Chicago World's Fair, but finally declined the honor.

Colonel Breckinridge has been married three times. His first wife died in 1860. He was married a second time to Miss Desha, in Lexington, on September 19, 1863. His third marriage was to Mrs. Louise Wing, a resident of Louisville, Kentucky. It is said that Mrs. Wing belongs to one of the first families of Kentucky, and is a very estimable lady.

The breach of promise case in which Colonel Breckinridge recently figured, jointly with Miss Madeline Pollard, was the most sensational affair of the kind known to the court records of the country.





# MISS POLLARD'S PETITION.

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*The Plaintiff Avers that the Defendant, by Wiles and Artifices, not only Won Her Affections, but Finally and Fully Dominated and Controlled Her and Her Life. And that the Defendant, About the Month of August, 1892, Promised Plaintiff to Marry Her, and that the Plaintiff Confided in the Defendant's Promise and Remained Single.*

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The plaintiff, Madeline V. Pollard, sues the defendant, William C. P. Breckinridge, for that, whereas, heretofore, on or about the — day of August, 1892, in consideration that the plaintiff being unmarried at the request of the defendant had then undertaken and promised the defendant to marry him, and that he undertook and then promised plaintiff to marry her. Plaintiff avers that she confided in the defendant's promise and has always remained and continued and is still unmarried, and was until the defendant married another person, as hereinafter mentioned, ready and willing to marry the defendant, yet the defendant disregarded his promise and afterward, on July 18, 1893, wrongfully and injuriously married another person, to-wit, Louise Wing, contrary to defendant's promise to the plaintiff's damage in

THE SUM OF \$50,000.

She says further that she also sues the defendant, William C. P. Breckinridge, for that, whereas, heretofore, on the 17th day of May, 1893, in consideration that the plaintiff being unmarried, at the request of the defendant, had then undertaken and promised the defendant to marry him, and that he, the defendant, undertook and promised the plaintiff to marry her, and plaintiff avers that she, confiding in defendant's promise, has al-

## MISS POLLARD'S PETITION.

ways remained and is still single and unmarried, and was, until defendant married another person, ready and willing to marry the defendant, yet he disregarded his promise, and afterward, on the 18th day of July, 1893, wrongfully and injuriously married another person (Louise Wing) contrary to his promise, to plaintiff's damage in the sum of \$50,000.

For a third cause of action, Miss Pollard says the defendant, on or about the 1st day of April, 1884, when she was a maiden of the age of 17 years and a student of the Wesleyan Female Seminary, in the city of Cincinnati, and the defendant being then a married man of 47 years of age, and a distinguished lawyer and orator, he, the defendant, made her acquaintance by accosting her on a railway train in which she was traveling from school to Frankfort, Ky., on account of the grave illness of her sister. She says that Mr. Breckinridge stated that he knew her family, and that she was flattered and fascinated by the attention and conversation of so distinguished a man, and thereafter, at or about the 30th day of July, 1884, having occasion

### FOR PROFESSIONAL ADVICE

With reference to a certain obligation assumed to defray the expenses of her education, she wrote to the defendant asking if he would advise her. Thereupon, she says, on or about the 3d day of August, 1884, he came to the seminary to see her and secured permission from the acting President to take her to dine with him, on the grounds that she was the daughter of an old friend. She says that then and there the defendant began by wiles and artifices and protestations of affection to take advantage of the youth and inexperience of the plaintiff, and not only to win her affections, but to finally and fully dominate and control her and her life; that on or about the 5th day of August, 1884, she says defendant completed his seduction of her, and while still at school in Lexington, Ky., at Sayre Institute, and when 18 years of age, she became pregnant, and was obliged to go to Cincinnati, where she bore a child begotten by the defendant. She says that being deeply in love with him she was induced by his pro-

testations of affection to remain under his domination and control, and from August, 1884. to July, 1892, she submitted herself wholly to his will, having during said period borne a second child begotten by him:

She says that during this period she, on several occasions, desired and proposed to terminate her illicit relations with defendant, and being

STUDIOUS AND AMBITIOUS,

Wished to make a career for herself, but defendant, by his blandishments and persuasions, induced her to abandon each time her desire and intentions; that during all this time the defendant was a married man, but that on July 14, 1892, his late wife died, and thereafter plaintiff, being an unmarried woman, and being without sexual fault or infirmity otherwise than with the defendant, as hereinbefore averred, and being a woman of good repute in all respects, notwithstanding her relations to the defendant, he, the defendant, urged and insisted that their relations should continue. She says that plaintiff having, on or about the month of September, 1893, an opportunity offered to her to go abroad to study, asked the consent of the defendant to take advantage of it, and was then willing to wait two years for the fulfillment of the promise of marriage, but defendant would not consent to her leaving him, and, she says, induced her to continue and maintain their relations; that in or about the month of March, 1893, plaintiff became pregnant for a third time by the defendant, and plaintiff being then unmarried and the defendant being also at time unmarried, he promised and agreed to marry her and she agreed to marry him, which promise, she says, was made in the consideration of the love and affection she bore to him of a similar declaration on his part, and because of the relations that had theretofore subsisted between them, and because of defendant's avowed desire to repair the injury that had been done to her and to place her under the protection of his influence, name and family, the relations subsisting between being then unknown to

## MISS POLLARD'S PETITION.

### OTHERS THAN THEMSELVES.

She says that he repeatedly made this promise to her and averred at different times to others that she was his affianced wife; and had promised and agreed to marry her, and that it was his purpose as soon as with propriety after the death of his wife he could do so to execute the promise by uniting himself to her in marriage; that defendant proposed in view of the condition of the plaintiff the solemnization of a secret marriage to take place May 31, 1893, and that, in the presence of a witness, announced his purpose and intention to marry her on May 31. Plaintiff further says that defendant, at this time, well knew and so recognized the pregnancy of plaintiff by him and arranged that she should go to New York and remain there until May 31st, 1893, when they would be married. She says that shortly thereafter, by reason of her condition, it was arranged and agreed between them that the marriage should be postponed until about the following December or January, and after the birth of the child, to which postponement the plaintiff assented because of her condition and the love and affection she bore him, and with a view to the protection of both of them against the possibility, so far as it was in their mutual power, of revealing the relation that had existed between them and of preventing the same from ever becoming known. She says that thereafter, in the month of May, 1893, she suffered a miscarriage, which was not brought about designedly, and during which plaintiff was attended by a reputable physician of Washington. After this, she says, defendant continued to promise to marry her, and agreed so to do up to July 18th, 1893, when he wrongfully and injuriously married Mrs. Louise Wing, who was then a resident of Louisville, Ky., contrary to his promise to the plaintiff, and to her damage in the sum of \$50,000.



# Colonel Breckinridge's Answer TO MISS POLLARD'S PETITION.

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*Claims that She First Accosted Him on a Train, and Induced Him to Meet Her at Wesleyan College. She Told Him Her Troubles with one James Rhodes, Her Affianced.*

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On Saturday, September 23, 1893, Congressman Breckinridge filed his answer to the declaration made by Miss Madeline Pollard, in her suit for \$50,000 for breach of promise.

Mr. Breckinridge denies the first count of Miss Pollard's declaration, which states that he proposed marriage to her in August, 1892.

The second count, declaring that the Congressman made a second proposition of marriage on May 17, 1893, is also denied. The answer to the third count is given with emphasis, as follows :

For plea to third count of the declaration made by Miss Pollard, the defendant says that he never promised, as alleged in the said third count of said declaration; that in the spring of 1884, the defendant being on the train from Lexington to Frankfort, was accosted by a woman between twenty and twenty-two years of age, who introduced herself as Madeline Breckinridge Pollard, saying that her father was such an admirer of John C. Breckinridge, that he named her after said Breckinridge; that subsequently the defendant received a letter from the plaintiff saying that she was in great distress and desired his legal advice, and asked him to see her at Wesleyan College in Cincinnati, which the defendant answered was inconvenient, upon which she notified him that the matter about which she was distressed was an engagement to marry, which had assumed a condition worse

## COLONEL BRECKINRIDGE'S ANSWER.

than a divorce suit, and reiterating her request to see him personally; that the defendant did see the plaintiff at said college, and she gave him a full recital of her relations with one James Rhodes, and thereupon the defendant advised her to consummate the contract between her and said Rhodes by marriage, and subsequently, after a full conversation with said Rhodes, the defendant renewed his advice, and the defendant denies that he then, or at any other time or place, by wiles, artifices and protestations of affection, or by any other means, attempted to take advantage of the youth and inexperience of the plaintiff.

He denies that he then, or at any other time, seduced the said plaintiff; and he denies that the plaintiff was at any time pregnant by the defendant, or that he at any time prevented her from going abroad or from entering upon any career that the plaintiff desired to enter upon, or that it was through any protestations, influence or request of the defendant that the plaintiff failed either to go abroad or enter upon any career she desired, and he denies that there was at any time an agreement, contract or understanding of marriage between the plaintiff and the defendant, and the plaintiff knew during her entire acquaintance with the defendant that a marriage between the plaintiff and defendant was impossible.

# OPENING OF THE GREAT TRIAL

To Which There Were So Many Preliminaries

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Breckinridge, the famous Kentuckian, called to answer  
the charge of Madeline Vinton Pollard.

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A Formidable Array of Legal Talent Present.

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Jere Wilson for Plaintiff, and Ben. Butterworth  
for Defendant the Most Prominent.

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Jury Selected, and Case Continued Until Next Day to  
Allow Defendant's Counsel to Examine  
Late Testimony.

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The celebrated case of Madeline Vinton Pollard, against William C. P. Breckinridge, a Representative in Congress, from Kentucky, for \$50,000 damages, for alleged breach of promise, was called for trial before Judge Andrew Bradley in the Circuit Court, of Washington D. C., March the 8th, and after a preliminary skirmish which indicated that one of the greatest legal battles of the age was about to commence, the forces retired to renew their contest on the morrow.

## THE COURT ITSELF.

Judge Andrew C. Bradley, who will try the case, is a member of one of the oldest families of Washington; a man in the prime of life, of athletic figure, with a soldierly mustache and strong, even features, and noted among the lawyers of the district bar for his unhesitating firmness and independence. He is a leading

member of the New York Avenue Presbyterian Church, of which Colonel Breckinridge has been a regular attendant during his residence in Washington.

A few were allowed to enter the court-room right early, a plain apartment, about 60 by 40, without any gallery or other obstruction than the bench and an inside storm coop or door. It has three large, round-topped windows on each of the two lateral or long sides, windows eight by twelve or fifteen feet high. The walls are tinted an olive above the blue base and the ceiling is a soiled white. On the south is a good view down Four and a Half street toward the Arsenal Point, where the old penitentiary used to be and Lincoln's doers-away were hanged.

#### THE COURT-ROOM.

The level floor of this court is divided by bars into three inclosures the whole width of the hall; spectators have a poor show, as the Judge rather revolts at cases of this mere notoriety and is master of his court. Two rows of benches and cane chairs, hardly capable of seating seventy people, are in the rear. Three more rows make the middle, at one end of which were the reporters, about a dozen in number.

The third or forward space is for the bar and is open, with a bench along the back and a row of tables for the lawyers along the front. Next above, one step, are the court clerks, etc., led by the jovial and forcible Marshal, Alfred Wilson. Above is the bench proper, one big, red leathered chair, under an arch indentation in the wall. The jury chairs are to the Judge's right. Two lamps are in front of the bar, pulpit like. Nothing is on the wall but a clock and a row of hat and clothes pegs near the jury. It is all bare, old-fashioned, commodious and plastery. The morning was cool and raw, and the functionaries vigilant to make man of any kind know that this is a house of law and not of public craze or opinion.

#### THE ATTORNEYS ON HAND.

Jere Wilson and Calderon Carlisle, the lady's lawyers, entered early. Wilson is an Indiana ex-Congressman, a man of marvel.



ous industry and wiry power. Carlisle is the son of a powerful Kentucky-reared lawyer here in former times who left a good law fortune, which his son has conserved and taken rank both at the bar and as a merchant.

The defendant entered and accosted several of the reporters. He said he felt first rate. He presently gets to the Judge's left near his lawyer, Mattingly, a lawyer of the district—large, well dressed, slow, deliberate. He seems to be arguing for some delay or charge from the Court, considering the straggling depositions of Tom, Dick and Miss Eliza, taken all over Kentucky and the planet. Wilson replies. It is all in the nature of monotone and soliloquy. Kentucky would wonder at such still beginning.

#### BRECKINRIDGE UNCONCERNED.

Breckinridge looks fairly unconcerned and sticks his thumb in his buttonhole under the armpit and wriggles his toe a little crossed upon his knee. Ben Butterworth is here for something, and advises Mattingly as if he were an associate counsel. Breckinridge continues to pick a string or something in his hand. In spite of his venerable and plenteous hair, there is a boyish, careless, unripe look in his face.

Judge Bradley wore his habitual expression of being bored, and as soon as the crier had waked the echoes with his "Oyez! Oyez! Oyez!" he looked down at a slip in his hand, and after the jury panel had been called, said:

"The case of Pollard against Breckinridge, for breach of promise, is the only one on the assignment for to-day, are you ready for trial?"

The spectators bent forward with intense interest. Now if ever, the compromise that had been so freely rumored, would be announced. Those who expected such a sensational denouement were disappointed. The counsel on either side nodded acquiescence to Judge Bradley's query, and Mr. William F. Mattingly arose.

#### OBJECTIONS TO DEPOSITIONS.

He said he did not appear generally for the defendant, but represented him in some preliminary matters. He desired to

say, before the trial proceeded, that certain depositions had been taken by the plaintiff, and the witnesses withdrawn, before the defendant had an opportunity to cross-examine them. He did not know whether they had arrived or not, but he desired to object to their introduction. He also said that he had been informed that a certain deposition had been taken the day before in Kentucky, without proper notice to the defendant, and also objected to its admission as evidence. Messrs. Carlisle and Wilson waived any right the plaintiff might have as to the time the objections might be made, and Judge Wilson and Mr. Mattingly discussed the propriety of determining the question, the former saying that when the depositions arrived the plaintiff could offer them, and present such a statement as would give the Court an opportunity to decide upon their admissibility before the jury.

Mr. Mattingly claimed the question should be settled before the trial went further, when Judge Bradley cut matters short. He said: "This whole question is a pure hypothesis. It has not been shown that these depositions were taken by an officer of this Court or by authority of any commission issuing from it. They were probably taken under the Judiciary Act, and are not before the Court at all. Many contingencies may arise that will prevent their arriving at all. Therefore this objection of the defendant can only serve as notice, that an objection will be raised when the depositions are offered."

Judge Wilson then indicated what the course of the plaintiff would be. In a few words that were full of significance to the assemblage he announced that at the proper time the plaintiff would object to the admission of any deposition as evidence, which related to events occurring prior to and having no connection with the issue in the present case. A large part of it was hearsay anyhow. In other words, he gave the opposition to understand that any attempt on their part to introduce testimony relating to Miss Pollard's past would be bitterly opposed in every legal manner possible.

## PERSONNEL OF THE JURY.

The jurymen were then called and sworn.

The twelve men who will decide upon the important question of Col. Breckinridge's responsibility are all white men, and occupy responsible positions in the community.

Sydney G. Hunt lives at Good Hope and is a carpenter; Andrew M. Green resides in Anacostia, and is senior member of the firm of A. M. Green & Co., bankers and real estate agents in that suburb; Joseph H. Whyland is a merchant of Georgetown; Allen A. Dale resides at Wesley Heights, and, like Mr. Hunt, is a carpenter; Albert R. Caton lives in Anacostia and is a house painter; James L. Carberry is the well-known farmer living on the Ridge Road, above Georgetown; Hugh Reilly deals in oils, paints and glass, at 1911 Pennsylvania Avenue; Frederick A. Heitmuller claims Bridge Wood as his home, and has a produce stand at 443 Center Market; Lewis C. Denham and George B. Sheriff are book keepers, residing respectively at 519 Nineteenth Street, North West, and 1835 Eighth Street, North West; William C. Gwynne follows steam fitting for a livelihood, and his number is 1407 L Street, North West; Charles R. Cole resides at 1746 New York Avenue.

Colonel Thompson, for Mr. Breckinridge, then asked the Court to pass the case until to-morrow on account of the large mass of testimony which had just arrived and had not been examined, and because Mr. Butterworth had only been called into the case the night before.

Judge Bradley assented and the trial was continued until to-morrow morning at 10 o'clock.

Miss Pollard was about to start for the Court House when the trial was adjourned. She was accompanied by a lady friend who has remained with her much of late, but her lawyers sent a messenger to meet her with the announcement of the adjournment and she returned home. She will be present to-morrow and throughout the trial.

## WILL BE A BITTER FIGHT.

The counsel on both sides make no secret of the fact, that the case will be bitterly fought and will occupy a great deal of time. An immense amount of testimony has been taken in the shape of depositions, in both Kentucky and Ohio, and that of the defendant has been almost wholly devoted to the early life of Miss Pollard, with a view of showing its alleged bad character.

The plaintiff, on the other hand, while securing a great deal of evidence to be used in rebuttal of the allegations mentioned, have confined themselves largely to secure testimony covering the main point in issue: that Col. Breckinridge promised to marry Miss Pollard, and had announced such intention publicly and frequently.

The fight will come, as Judge Wilson indicated, when the attempt to blacken the character of the plaintiff, previous to her meeting with Col. Breckinridge is made.

There will be no compromise, that can be stated absolutely; and it is expected that many sensational statements, which have not been exploited in the press, will be brought out, when living witnesses are put on the stand.

## RESUME OF THE CASE.

Congressman Breckinridge stands charged by Miss Pollard with having accomplished her ruin, when she was a school girl of seventeen, and he, a distinguished public man nearing the half century mark, with being the father of several children born to her, and with making and breaking a promise to marry her. The alleged contract of an engagement, is claimed by Miss Pollard to have been made shortly after the death of defendant's wife, and broken less than a year later, when he married Mrs Louise Wing, of St. Louis.

On the other hand Col. Breckinridge, in his answer to Miss Pollard's charges, denies that at any time or place, by wiles and artifices and protestations of affection, or by any other means, attempted to take advantage of the youth and inexperience of the plaintiff, or that he seduced her. He also denies that there was at any time any engagement, contract, or understanding of



marriage between them. He claims, when he met her, she was "a young woman between twenty and twenty-two years of age." This was in the spring of 1884, so that Miss Pollard's age now would be twenty-seven, according to her own statement, and between thirty and thirty-two according to the estimate of Col. Breckinridge. On this disputed question there will be evidence given at the trial, and much interest is shown in its settlement, as tending to establish whether the plaintiff was of responsible age or not when the alleged offense was committed.

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## SECOND DAY OF TRIAL.

*A woman's wrongs.—Dramatic scenes in court.—Breckinridge smiles, while Miss Pollard faces him with an expression of scorn and defiance.—She once drew from her bosom a pistol to shoot him.—Mrs. Blackburn tells the story of the plaintiff's solemn promise of marriage made in her presence, and of his request that she take Miss Pollard under her protection as his future wife.—Col. Moore, Chief of Police, creates a sensation. He tells of several visits the principals made to his office, at which times Breckinridge disclosed his intention to marry Miss Pollard.—A day full of exciting incidents.*

Those who came to the court room to-day in which the suit against William C. P. Breckinridge, by Madeline Pollard for breach of promise of marriage, is progressing, and came seeking what is spoken of as a "sensation," found their desires not wholly ungratified. There was a moment, even before the business of the Court had been fully entered upon, when the depths of feeling in the most sluggish natures were stirred, and normal or abnormal craving for unusual mental or emotional experience was at least partially satisfied.

Just before the crier's voice rang out with the famous old court cry for silence and attention, "oyez, oyez, oyez," Miss Pollard entered the room.

Yesterday the gloominess of the chamber was lessened by the sunlight from the great southern windows, but this morning

the clouds were low and heavy ; and to keep out the damp, raw atmosphere all the windows were closed.

The appearance of Miss Pollard added no feature of lightness or cheerfulness to the scene. Accompanied by two friends, one a Sister of Charity at the Home where she lives, she entered at the left of the bench and was shown to a seat before the bar, directly in front of and facing the Judge. She was clad completely in black from head to feet, without one touch of white or color to relieve the somberness of her attire. She looked thin and careworn, and her rather plain features were set in a serious way, and she hardly raised her eyes from the floor. Her jacket was closely fitting, with a double row of buttons, puffed sleeves and collar fastened high about the slender neck, with no appearance of lace or linen. Her gloves were of black, undressed kid, disappearing under the sleeves of her coat. Her hair was dressed with nun-like severity of plainness, and in the same style of that of the Sister who accompanied her.

It was brought over smoothly from the parting line to the ears, braided and arranged in a coil low at the back, the size of the mass showing the thickness and luxurious growth of her tresses. She wore a small toque of velvet, without ornament, except for a small bow at the front from the rear, black ribbons were drawn down and tied under the chin. Her face was hardly hidden at all by a thin dotted veil.

#### NOT A PRETTY WOMAN.

Miss Pollard, as said, is not what would be designated a pretty woman. Her face is thin, her mouth too wide for beauty, but with straightness of the line, the thinness of the lips, combined with the squareness of her chin, suggesting freely the determined character of the woman who has instituted this struggle against such powerful influences. Her nose is decidedly retrouse, her eyes darker than her hair, and the only beauty of her face. Her forehead is low and fair, her complexion is clear and healthy-looking, bearing no evidences of the little artificial aids to beauty the Kentucky girls sometimes affect, so the gossips say. .

Her friends were also dressed in black, the Sister wearing a bonnet with white border, and the three presented the appearance of women not inattentive to the demands of the conventionalities of to-day's demands in dress.

Hardly had the ladies become fairly settled in their seats when Mr. Breckinridge entered the door facing them. He wore a soft hat, heavy overcoat, and carried a russet leather bag marked in gilt letters "W. C. P. B." He walked in swinging stride, followed by his retinue of seven attorneys, his son, and a secretary, and merely glanced at Miss Pollard, who did not look up, and exchanged greetings in rather an effusive manner with the other gentlemen. The Pollard party sat with their backs to the long table before the bar, and the other party sat behind them across the table. The defendant was seated back of and one seat to the left of the plaintiff.

#### MR. CARLISLE PRESENTS CASE TO JURY.

Then Mr. Calderon Carlisle arose to present the case of the plaintiff to the jury, and used the names of the plaintiff and defendant in stating the case. At this moment Miss Pollard turned sharply around in her chair and faced Mr. Breckinridge, with only the narrow table between them. He returned the gaze, and the two sat looking straight into each other's eyes.

In an instant all eyes were centered upon them, and there was perfect silence in the room.

It was an extraordinary scene. The gaze of the defendant was one of scorn and defiance. No one could interpret the gaze of the plaintiff. But suddenly she became decidedly pale, and her lips began to work convulsively. She made a movement of her hand toward him, and drew back. She uttered some words which were not audible, and a sudden trembling seized her, and she appeared about to collapse. The other ladies hastily unbuttoned her jacket at the neck, and a bailiff hurried over with a glass of ice-water. It was some moments before she became even partly composed, and for some time she continued to tremble violently.

As for the defendant, for the first time his incomparable

nerve and apparent indifference appeared to desert him. His ruddy countenance, always emphasized by the silvery whiteness of his luxurious whiskers and hair, became scarlet, and then every particle of blood appeared to desert his face, and his hand trembled as he nervously swept his fingers through his beard and hair alternately.

It was not until Mr. Carlisle had progressed far into his presentation of the case to the jury that Mr. Breckinridge completely recovered his equanimity, or ceased those movements.

Right before him all the time was the back of the plaintiff, and he could not know at what instant she might whirl about again, fix those dark, accusing eyes upon him, and renew the scene.

Mr. Carlisle spoke to the jury in a low, conversational tone, leaning against a table behind him, upon which his hands rested, and from which he never raised them.

#### MR. CARLISLE TELLS THE STORY.

He told the story in the surest way to reach the sympathies of a jury. He had evidently studied the character of plain home men, mostly of comparatively humble walks in life. To them, as such, he recited the tale in the simplest language, devoid of any figures of speech or attempts at rhetorical effect. He stood immediately in front of the jury, and much of the time talked to them in so low a tone of voice that his words were inaudible to others sitting further away.

It was a fine exhibition of discrimination and skill on the part of an advocate in addressing himself to a jury. The attorneys of the opposition recognized it as such. They declined to make any statement to the jury, and the case proceeded with the examination of the first witness for the prosecution, Mrs. Luke Blackburn.

But as an interlude between the speech or confidential talk of Mr. Carlisle and the evidence of the star witness for the prosecution, a little scene occurred which was not of much consequence, except as it seemed to arouse Miss Pollard and again betray the nervous, high-strung nature of the girl, like that of a Kentucky



thoroughbred. The episode occurred through a controversy over some books, four volumes of Washington Irving's works, which the plaintiff's counsel claimed the counsel for defense had carried off and extracted from among the leaves a Christmas card they had made use of in a deposition.

#### MISS POLLARD AROUSED.

Miss Pollard interfered, saying she could identify the books. She was evidently new to the ways of lawyers, and could not understand the dodging and whipsawing around a point that was perfectly plain. Her counsel tried to stop her, but she would not allow let or hindrance.

Carlisle and Johnson both jumped to her side, protesting sternly and emphatically against her proceedings, Carlisle being understood to say that she would ruin her case and lose her counsel if she continued such a course.

"But why do they ask such questions?" she exclaimed, speaking with the fashionable society accent, and pronouncing "ask" as though it werespelled "awsk" or "osk." Finally Mr. Wilson fairly put his hand over her mouth, and after that she sat very quiet, and made no further attempt to interfere during the morning session.

Mrs. Blackburn came to the stand, took the oath, kissed the Bible, and took her seat in the witness box. She is a large, fine-looking lady, and richly dressed. Mr. Carlisle conducted her examination, and from beginning to end her evidence was sensational.

She told of her first acquaintance with Miss Pollard, how she had befriended her, as, she said, "a girl from my own State, struggling to rise above the conditions of her life and make a name for herself. Whatever I could do for her as a sister woman, bright, ambitious, deserving and hopeful, I did, and I do not, even under the clouds that have closed down upon her, regret one act, and would do it again."

She told the story of the visit of Colonel Breckinridge and Miss Pollard to her, when the former declared that he intended to marry her, and meanwhile requested her (Mrs. Blackburn) to

take Miss Pollard under her care and protection as his future wife.

#### THE HONOR AND WORD OF A KENTUCKY GENTLEMAN.

Relying upon the honor and word of such a distinguished Kentucky gentleman, she had done so, even outside of her own admiration and affection for Miss Pollard, whom, though she had only recently met her, she had learned to regard as a woman worthy of such friendship.

It must be remembered, and the point was made very plain to the jury by Mr. Carlisle, that the prosecution is for breach of promise of marriage. That and that only. Did the defendant promise to marry the plaintiff and break his promise, or did he not? No question as to her character or the blackening of it; no question as to whether she bore children to him or not enters into consideration. Unless Mrs. Blackburn's evidence can be impeached, the matter seemed to be settled by it. She swore positively that Colonel Breckinridge recommended Miss Pollard to her care and protection as his future wife, stating that he was to marry her when a sufficient time had elapsed after the death of his wife.

In all the details of her examination in chief Mrs. Blackburn was wonderfully bright and interesting, and some of her side reflections upon Colonel Breckinridge's conduct as contrasted with the honor and chivalry of Kentucky gentlemen generally were very entertaining and illustrative.

Her cross-examination was conducted by Colonel Phil Thompson. She became very restless, and over and over again protested against the questions raised. It was a desperate endeavor of the defense to make some break in her testimony, which was apparently strong enough to finally impress the jury on the question at issue.

"I have told all I know," she exclaimed again and again. "You may question me for weeks, but I can add nothing to or take back anything I have said."

## MRS. BLACKBURN GETS ANGRY.

At one time Mrs. Blackburn became very angry at the persistent questioning of Thompson, and used such expressions as, "I have answered that question at least six times," and several times she confused her questioner with her quick wit. At one time she looked around to Judge Bradley and said so all could hear, "This is a terrible ordeal for a lady to endure. If my husband was alive I would not be compelled to submit to this humiliation." In the end her evidence given in chief was not shaken in the least.

A recess was taken for half an hour, and all hands, including the correspondents and reporters of all the principal papers of the country, hustled out for a bite of luncheon.

After recess the principal witness was Major Moore, the Chief of the Police of Washington. His evidence was sensational to the last extreme. His story of the scenes in his office between himself and Colonel Breckinridge were proof enough of the old adage that truth is stranger than fiction.

Now, leaving out, as we must, the dramatic accessories, the Judge, with his stern, handsome face outlined against the leather-padded, high back of his chair, the black-clad plaintiff, her slight frame shaken with sobbing; the distinguished array of counsel, the army of newspaper men, and hastening messengers, the uniformed police and bailiffs, the distinguished-looking defendant, the silent throng that crowded the great, gloomy Court chamber, the issue of the ruined life and reputation of a woman as against that of a famous statesman and orator, is worthy of the touch of the pen of a Moliere, a Maupassant, or a Zola, but to which they could add nothing in fiction and imagination beyond the realities of the plodding present.

## MAJOR MOORE TELLS HIS STORY.

Major Moore, a distinguished-looking gentleman, with heavy, white mustache and imperial, looking for all the world like the hero of Colonel John Cockerill's story of "The Major," told his story, made all the more dramatic for its directness and official

unprejudice. He told how Colonel Breckinridge and Miss Pollard came to his office together. How Colonel Breckinridge stated that his life was threatened, and he wanted protection. Miss Pollard had drawn from her bosom a pistol, which, she said, unless Colonel Breckinridge marry her, she would use on him and herself.

The pistol or "gun," as Mr. Thompson called it, was afterward produced in Court, although Judge Bradley refused to allow it to be exhibited or handled, saying that in a civil suit such a matter would not be permitted. Major Moore said it was a dangerous weapon of a new pattern, 34-caliber, and every barrel loaded; and Phil. Thompson asked if it was not the "gun" known as a "swamp angel." The "gun," Major Moore testified, was given to him by Miss Pollard, with the remark that he might preserve it for a Christmas present, and Colonel Breckinridge that he might keep it for her birthday, as they departed from the office together.

The second visit was still more dramatic in character. In the first visit to the Chief of Police, Colonel Breckinridge had started to tell the story of their trouble, but Miss Pollard had prevented him doing so, appealing to him as "Willie," to save her the shame of discovery of the situation even to Major Moore.

On the second visit Major Moore testified that Colonel Breckinridge sat on the sofa in his office side by side with Miss Pollard, her hand clasped in his, and said that she was pregnant by him; was going to New York to prepare for the event, and that after that they were to be married.

#### BRECKINRIDGE PETITIONS MAJOR MOORE.

Letters and telegrams received by Major Moore from Colonel Breckinridge were read, petitioning him to use his influence to suppress publicity threatened by Miss Pollard, putting the plea on the ground that such publicity would ruin her good name uselessly. A letter to Major Moore from Colonel Breckinridge asking him to meet a certain party was read, and from that person a check for \$100, payable to Miss Pollard, was re-



ceived by Major Moore. He afterward returned the check to Colonel Breckinridge. When in one of Colonel Breckinridge's letters to Major Moore the passage was read requesting the latter to use his influence to quiet Miss Pollard, but advising him not to let her know the advice came from him, Miss Pollard again turned and faced the defendant.

When the statement was made to the effect that Colonel

Miss Pollard cried out, "No, no," and broke down in hysterical sobbing. It was some time before she could be quieted, and the examination of Major Moore proceed.

After Major Moore came Dr. Lincoln as a witness. He testified that Colonel Breckinridge and Miss Pollard had come together to his office, and the former had recommended her to his professional care, saying she was unreasonably jealous and very nervous. Dr. Lincoln said he had replied that there were two other professions better calculated to deal with the condition of Miss Pollard than his own, evidently meaning the law and the clergy.

Mr. Stoll, who had succeeded Mr. Thompson in examination, endeavored to raise a question as to previous visits of Miss Pollard to the doctor, but the Judge ruled him out, as the question was simply as to a breach of promise of marriage on the part of the defendant, and such matters had nothing to do with the point at issue.

#### COURT ADJOURNS.

At 3 P. M. the Court adjourned, after a very stormy session worthy in its features of sensationalism of the great cases that have been decided therein, including that of Mary Harris, whose experience laid the foundation for the famous play of "The Gilded Age;" and, by the way, the Bradley who tried her case and afterward married her was the uncle of the Judge who sits in the case of Miss Pollard.

Among those still alive who have been celebrated through legal contest in this room are Surratt, one of the accused conspirators in the Lincoln assassination; Dorsey and Brady, the

Star Route "conspirators," so-called; General Daniel E. Sickles, and Judge Kincaid.

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The now famous Pollard-Breckinridge trial was only really commenced when Mr. Calderon Carlisle faced the jury, leaning languidly against a table, and in deliberate conversational tones outlined the matters which the plaintiff would endeavor to prove. He contrasted the positions of the two parties, one a man of family, of political prominence, high in the councils of the Presbyterian Church, famous throughout the country as an orator, the other a friendless young woman. Something was said about the legal aspects of the case. Then he began to read the declaration which was published in full when the suit was brought—how Colonel Breckinridge had taken advantage of Miss Pollard's youth, when she was a girl of seventeen at the Wesleyan Female Seminary, and then further alleging that he was the father of her three children; that he had, in the pres-

PROMISED TO MARRY HER.

ence of creditable witnesses, promised to marry her, having previously made the promise to become her husband when his wife should die; that he had married instead a Mrs. Louise Wing, of Louisville; that Miss Pollard had endeavored to leave him and make a career for herself, but had been persuaded to continue as mistress, because of her love for him.

During this reading Miss Pollard flushed crimson. She trembled violently and buried her face in a handkerchief. Colonel Breckinridge chatted in a matter-of-fact way with his lawyers.

"That, gentlemen," Mr. Carlisle said, "is the story of my client. She does not come here saying she is devoid of fault or blame, but there is the promise of marriage and its breach, the issue in this case."

Next Mr. Carlisle read the defendant's answer, denying all the material allegations in the complaint.

Sketching briefly what would be proven in the case, Mr. Carlisle spoke of Miss Pollard as the daughter of a saddler, bril-



COL. W. C. P. BRECKINRIDGE.





liant and always endeavoring to rise above her station. He said that when she was a young girl John C. Rodes, a man of means, but not of high position, was attracted by her charms, offered to educate her if she would marry him, and she, a simple country girl, had signed an agreement to that effect. Afterward, when Miss Pollard was in trouble, because Rodes was pressing her to fulfill her promise, and because she, a country girl, believed he could invoke the law in his aid, she had written Mr. Breckinridge, asking his advice, a letter which was answered in person.

#### NO DAMAGES FOR SEDUCTION.

Then, according to Mr. Carlisle, began a deliberately laid scheme to work the ruin of the girl, under promise that when his wife died he would make her his wife. He had introduced her as his promised wife into the first families of the city. Under the law of the District there could be no claim for damages on account of seduction, but the remedy, or rather what reparation could be made for a broken promise of marriage, the law guaranteed.

Attorney Phil Thompson announced that the defendant's opening statement would be reserved until the conclusion of the plaintiff's testimony. Then Attorney Wilson, for the plaintiff, complained that certain books which had figured in the affidavits and were important to the case had been taken by the defendant's counsel, and asked that they be returned to the plaintiff.

Mr. Butterworth read a notice which had been served on the defendant for the production of four volumes of Washington Irving given to Attorney Stoll at Cincinnati, and insisted that a more definite description of the books should be given.

Just as Mr. Carlisle was rising to reply Miss Pollard broke out hysterically to her counsel, sobbing and making inarticulate exclamations, while the Sister of Charity and her attorneys endeavored to calm her.

"They know what these books are," said Mr. Wilson emphatically, "and if they want closer description I will say that they are the four volumes given them by Sister Augustine, from

one of which they took a Christmas card which the defendant had placed in evidence."

Judge Bradley declared that if only four volumes had been taken from the Sisters, the demand for a closer identification must be untenable.

#### MRS. BLACKBURN TESTIFIES.

Mrs. Julia C. Blackburn, widow of the late Governor Luke Blackburn, of Kentucky, was the first witness called. She testified that on Good Friday, 1893, in the Portland Flats in Washington, Colonel Breckinridge and Miss Pollard had called on her, and had persisted in sending for her three times when she had pleaded weariness. She was induced to receive them. Mrs. Blackburn spoke firmly, and continued:

"Colonel Breckinridge said: 'I have brought this young lady to ask for her your kind care and protection, for I expect that in the future she will be a great deal to me. As soon as a sufficient time after the death of my wife has elapsed I intend to marry her.' He said: 'You may consider this foolish.' I replied that there was always risk in these things. He said: 'I am old enough to be her father. She is thirty-one years younger than I.' On another occasion he said: 'I saw that you were greatly shocked at the announcement of my engagement.' I replied: 'It seems to me a very poor return for all the devotion of your wife, who has so recently died.' He replied: 'I will tell you what I never expected would pass my lips. I discovered recently what Miss Pollard's feelings toward me were, and as a man of honor I considered it my duty to offer to marry her.' I said: 'You certainly take a very high view of these things.'"

Afterwards Colonel Breckinridge had come to her, asking her to allay Miss Pollard's jealousy.

"I asked," said Mrs. Blackburn, "have you given her any reason? He replied: 'On my honor as a gentleman, I have not.'"

Then I told him that Miss Pollard had come to me the day before, telling me of her fears.

Continuing, Mrs. Blackburn told how Mr. Breckinridge had denied, when she told him that he had no right to pay devoted

attention to another woman, that he had any affection for Mrs. Wing, but thought it would be well for the report of his engagement to reach his family, that they might become familiarized with the thought of his becoming married.

#### URGED TO FIX THE DATE OF MARRIAGE.

Mrs. Blackburn related how Miss Pollard had once urged Mr. Breckinridge to fix the day for the marriage; how he had said that circumstances prevented it just then, but that he would fix a date and communicate it to Mrs. Blackburn. Going to his side, Miss Pollard had laid her arm affectionately on Colonel Breckinridge's shoulder, calling him "Willie;" that he had stroked her hand and patted it affectionately. Mrs. Blackburn told Miss Pollard to go away, and Colonel Breckinridge said: "Let us have no more demonstrations here."

Colonel Thompson cross-examined Mrs. Blackburn. Mrs. Blackburn said that the bearing of Miss Pollard upon social occasions had been that of a lady. Mr. Thompson became more pressing in his inquiries regarding the feeling of Mrs. Blackburn for Miss Pollard, and the witness replied that she felt a sorrow for any woman compelled to fight her own way in the world. With flashing eyes, and facing the white-bearded Congressman, she declared: "Just the sorrow I feel in being compelled to appear here, when, if I had the defense of a husband, it would have never been necessary."

When Mr. Thompson asked for the dates of various calls the witness replied: "I had no occasion to charge my mind with them. As Colonel Breckinridge came on his own business and not on mine, I presume he can tell you."

In 1892 Colonel Breckinridge had called upon witness, as he said, at Miss Pollard's request, to correct reports concerning Miss Pollard, and had then asserted that there could be no scandal attached to Miss Pollard's name, since for a long time after coming to Washington she had remained in a convent.

Mrs. Fillettee, witness stated, had said that Miss Pollard was forward, taking undue liberties in the houses of her friends, saying that Miss Pollard had invited Charles Dudley Warner to her (Mrs. Fillettee's) house without permission.

Mr. Thompson proceeded to interrogate the witness as to who had been present, according to Mrs. Fillettee's story, during the visits of Charles Dudley Warner, whereupon Mr. Carlisle objected, and Judge Bradley said :

"I have been surprised that this examination has gone so far as it has, because it is utterly immaterial."

Mrs. Blackburn was not made to contradict her direct testimony in any particular. To one of Col. Thompson's cross-questions she retorted that he seemed to be trying to make her repeat unpleasant episodes merely to annoy her, and declined to repeat them, the tears springing to her eyes.

"It is only ordinary cross-examination, Mrs. Blackburn," said the Judge.

"Mr. Thompson, if he is a gentleman, knows that I have told the truth," replied Mrs. Blackburn. "I have nothing to add to or take from what I have said."

"Do you know what made him come on that occasion?" queried Mr. Thompson, the reference being to the second visit of Colonel Breckinridge.

"Do I know what actuated Colonel Breckinridge? No," replied the lady, most forcibly.

When Miss Pollard came to tell her of Colonel Breckinridge's attentions to Mrs. Wing, Mrs. Blackburn had advised her, if she had any self-respect, to drop him; that if he was determined to play the villain, nothing Miss Pollard could say would prevent him. On his next visit Colonel Breckinridge had declared, "sternly, emphatically and frequently," that the stories of his attentions to other women were the work of miserable gossips, Mrs. Blackburn had extended to Miss Pollard more protection than she otherwise would, because Colonel Breckinridge had asked her to, and she "believed him to be a gentleman."



## WASHED HER HANDS OF HIM.

In New York, in May, 1893, Mrs. Blackburn had told Mr. Breckinridge that she washed her hands of him, because he permitted Miss Pollard to follow him about. Miss Pollard had pleaded with her not to withdraw her protection, promising to explain matters in Washington, but in Washington Mrs. Blackburn had received no explanation, and had told them that she was through with them. Previously she had protested against the frequent visits of Colonel Breckinridge to Miss Pollard, telling him that he should guard her as he would his own child, and he had replied that she was too hard upon them, knowing them to be engaged.

After a noon recess Miss Pollard seemed decidedly cheerful, smiling as she talked with her lawyers. Mrs. Blackburn returned to the witness stand and surveyed the audience through her lorgnette. Two telegrams which she had identified on direct examination were produced. They had been received by Mrs. Blackburn in April and May, 1893, both informing her of "Madeline's" address in New York, No. 7 East Thirty-first street, the other No. 7 West Fifty-first street, the second saying that Madeline would meet her at the depot, and signed by Colonel Breckinridge.

This finished Mrs. Blackburn's testimony.

## THE SECOND WITNESS

Was Miss Mary Desha, the sister of Colonel Breckinridge's first wife, who said that she first met Miss Pollard at Lexington, Ky., in 1889, and next with Secretary and Mrs. Carlisle, during the World's Fair.

When questions were asked concerning the first wife of Colonel Breckinridge, the defense objected, saying that the marriage was not in dispute. A light wicker basket was handed the witness which she had presented to her sister, and on which were initials in her sister's handwriting.

"No cross-examination for her; she may stand aside," said Colonel Breckinridge, with a wave of his hand.



## MAJOR MOORE, CHIEF OF POLICE

Of the District of Columbia, next took the stand. He was acquainted with both parties to the suit; first met Miss Pollard, accompanied by Colonel Breckinridge in his office May 13, 1893. He said: "The door was suddenly thrown open, when Colonel Breckinridge came in, closely followed by a lady. He said that he might have to ask my protection, as the lady had threatened his life. She demanded that he should promise to marry her; seemed much excited; demanded that he should name a day. He named May 31, 1893; said he would marry her then if Providence spared his life. When he started to tell the trouble between them she put her hand on his shoulder and dissuaded him. She was much excited. He was cool."

The witness had warned Miss Pollard that she must not make threats against Colonel Breckinridge's life or the police would have to deal with her.

In questioning Major Moore about Colonel Breckinridge's promise to marry Miss Pollard, Mr. Carlisle asked: "Can you reproduce his tone of voice?"

"No, sir; I wish I could," replied the Major, in a tone which produced a burst of laughter and a reprimand from the Court.

## THE LADY PREGNANT THROUGH MR. BRECKINRIDGE.

On May 17, in witness' office, Colonel Breckinridge had told him that the lady was pregnant through her relations with him; that she was going to New York to prepare for the event, and that he intended to marry her. "He asked me to witness his determination. We three clasped hands. It was an impressive scene," said the Major.

Miss Pollard had drawn from her bosom a revolver, declaring that if she had occasion to do so she would use it upon herself and him. The witness took it, Colonel Breckinridge suggesting that he should return it to her as a Christmas present, she telling him to give it to her on her birthday.

There was a stir of excitement through the room as Major Moore, continuing, said "He told her that she could not accuse him of having approached her with flowers, or seducing her;

During this interview, which lasted half an hour, Miss Pollard reclined on the sofa, and Colonel Breckinridge sat there.

Major Moore had received four communications from Colonel Breckinridge and one telegram. The letters were handed to Colonel Breckinridge for identification. "Those are in my hand-writing. That type-written one has my signature. I sent that telegram," were his comments, in a matter-of-fact way. One dated Lexington, Ky., June 22, 1893, asked a particular favor of the Major, stating that Miss Pollard was writing to people in Kentucky, spreading news of her engagement.

The second one, dated July 10, 1893, stated that he paid the penalty of public life by malicious notes in papers like *Town Topics*, inspired by Miss Pollard, which created scandal. "There is no reason why she should destroy herself," said the letter.

One of July 23d, dated at Harrington, Tenn., introduced Major P. P. Johnson and W. S. McChesney as Colonel Breckinridge's friends, who would co-operate with Major Moore in preventing scandal. It had been presented by them on July 26th. Major Johnson had given him a check for \$100, drawn by Colonel Breckinridge on July 31st, to assist Miss Pollard, but witness having no idea of her whereabouts, the check had been returned to Colonel Breckinridge.

A letter dated Lexington, August 4th, announced Colonel Breckinridge's expected return to Washington for the special session of Congress; said that Major Moore knew the situation better than Colonel Breckinridge did, and concluded: "I do not know whether to expect any trouble."

Beginning the cross-examination, Mr. Thompson said, dropping into the Kentucky vernacular, "Major, have you got that gun the lady pulled from her bosom?"

A messenger was dispatched to the Chief's office for the revolver. Mr. Thompson was inclined to be facetious, saying in his questions, "She threatened him with death, not with marriage."

"She threw up her little white hands, saying those were her only weapons."

"Her lily-white hands," repeated Colonel Breckinridge, sotto voce.

asked Mr.

Thompson, whereupon Miss Pollard cried "No" shrilly, and her lawyers and friends devoted themselves to quieting her, which they were able to do with some difficulty.

"Not at that time," was Major Moore's answer to the question.

One of the best-known physicians of the city, Dr. N. S. Lincoln, then testified that Colonel Breckinridge had brought Miss Pollard to him in May, 1893, representing that she needed attention, as she was unreasonably jealous and exceedingly nervous. Her delicate condition had been referred to, and Dr. Lincoln testified that he had said that one or two other professions were required in her case.

The examination of that witness was brief, and at its conclusion, 3 o'clock having arrived, the Court adjourned.

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### THIRD DAY OF THE TRIAL.

*An exciting day, with both tragedy and comedy interspersed.—Miss Pollard taken from the Court room in a faint.—Bad blood and blows between the opposing counsel.—Attorney Shelby slaps Johnson's face, while Desha Breckinridge, the defendant's son, strikes Attorney Carlisle from behind.—Indignant females ordered from the Court.*

The supremely sensational character of last Friday's developments in the Pollard-Breckinridge case had a tendency to increase the size of the crowd which sought admission to the Court-room. There was a solid mass of people packed around the doors leading to the portion of the chamber within the railing beyond which the general public are supposed to gather at will.

It was evident that Marshal Wilson and the Judge had determined to throw a great many difficulties in the way of those desiring admittance on grounds of mere prurient curiosity. Nobody could get past without a pass, written or verbal, from the Judge or Marshal. The result was a general exclusion of the public and every one outside of the profession not connected with the case, and a great deal of disappointment and anger among the throngs who found the way to the Court-room barred, and were obliged to part after great expectations and long and patient waiting.

It was only accidental that matters broke off just where they did last Friday, but there was a close resemblance in the character to that of a continued story, which leaves the reader in a highly strained and expectant condition, and dismissed with a curt "to be continued in our next."

#### LOOKING FOR MISS POLLARD ON THE STAND.

While no more interesting or sensational developments and scenes such as characterized the testimony of Mrs. Blackburn, Major Moore and Dr. Lincoln were expected, it was rumored that Miss Pollard herself would be put on the stand, and curiosity was whetted to a high degree as to how such a high-strung, nervous organization would endure such an ordeal.

The course of the Judge in his rulings during the first two days of the trial was strongly indicative of a disposition to exclude all the evidence and depositions prepared by the defense in the endeavor to blacken the character of the plaintiff, and rulings that would confine all evidence to the single point of a breach of promise of marriage by the defendant into which no question of the character of the plaintiff could enter except possibly in mitigation of sentence.

Under this aspect it was evident that the course of the defense would be to prove fear and duress as inducing the promise of the defendant made in the presence of Mrs. Blackburn in her parlor, and vowed to with hands clasped in those of the plaintiff in the office of the Chief of Police.

In view of these points Court assembled this morning in a



general impression that Miss Pollard was likely to be spared the Court celebration and publication of such depositions as have already made some feculent reading in the columns of the newspapers of the country. These depositions were given out for publication as fast as they were taken, and were calculated to prejudice the cause of the plaintiff with the public, and in advance of trial.

Miss Pollard came into Court accompanied, as usual, by her two friends, the Sister, Miss Ellis, from the House of the Good Shepherd, where she (Miss Pollard) lives, and Mrs. Buchanan, who keeps very closely to her, and shows her devotion in little cares and attentions and words of encouragement.

#### MRS. BUCHANAN AS A COMFORTER.

When on several occasions Miss Pollard has appeared to be on the point of breaking down, or the verge of hysteria, Mrs. Buchanan has soothed and calmed her, and several times it has required this soft and womanly treatment on one hand and the threatening warnings of her counsel to keep Miss Pollard quiet and with an appearance of composure. But to-day all things failed, when it was necessary to take the half-conscious plaintiff from the room.

At the opening of Court the side seats to the left of the bench and bar inclosure were crowded with ladies. The Judge called a bailiff and told him to clear the Court-room of every person not connected with the case directly or indirectly, and a large phalanx of handsomely dressed and very angry, as well as embarrassed, ladies filed out of the room, to vent their opinions of Judge Bradley and courts and men in general in the corridors and upon the portico, as they departed for their homes.

This left the chamber, as usual, without a lady present except the plaintiff and her two friends. Miss Pollard was dressed exactly as heretofore, in unrelieved black, except that she wore a small gold pin at her throat. She looked fresher and better, and there was more appearance of color in her face.

There was a long season of discussion over legal points in regard to depositions, a bad showing being made for the de-

fendant in the recital of the difficulties encountered by counsel for the prosecution in securing some one to take depositions, and that it was necessary at last to secure the appointment of a notary who would do so.

#### CURIOSITY OF THE CROWDS.

Even during these proceedings the eager curiosity of the barred-out crowds was shown. Along the north side of the Court-room is a light well, ten or fifteen feet wide, and windows from the main corridor of the Court-house look into this well and give a restricted view into the Court where the Pollard-Breckinridge case is being tried. Some idea of the desire to get even a little peep at the parties to this famous suit is given when it is said that these corridor windows were crowded all the afternoon with men and women craning their necks to get some idea of what was going on in Judge Bradley's Court. As fast as any one would go away, their places would be taken by other anxiously curious spectators.

The legal scrap was quite lively, and, as said, the statements made added to the bad impression made in every other instance for the cause of the defense. It is plain Judge Bradley does not fancy the demeanor of the Kentucky legal contingent, even the conduct of the defendant himself. He is a tremendous stickler for the preservation of the dignity of his Court and reverence and respect toward it. In this respect the situation had become bad enough for the too free-and-easy Kentuckians, who ought to have kept in mind that they were in the Supreme Court of the District, with a Judge very particular even for that high Court.

After what happened to-day in general fisticuffs at the close of Court, Lord knows where they have landed in the estimation of the Judge. It is rumored, however, that Ben Butterworth is not altogether happy.

#### THE JUDGE APPEARED BORED.

A noticeable thing about the Judge, whenever sitting upon the bench, is the appearance of a vast and unrelievable ennui



under which he labors. His face wears such an acutely bored expression that even looking at him, you are obliged to feel bored in sympathy. Since this case began that habitual expression has become so intensified that it is actually painful. It is a great relief to see the Judge brighten up after he leaves the bench and allow his pleasant off-duty expression to illuminate his handsome face. He has not said, "These Kentuckians make me tired;" at least he has not said so publicly.

The first witness called was Mr. Claude de la Roche Francis, or, as he was particular to pronounce it, "Frawncis." The coming into the case of Mr. Claude de la Roche "Frawncis" was a welcome incident. In fact, Mr. Frawncis was a refreshing episode himself, giving a splash of color to the sombreness of the surroundings and occasion, and letting a streak of fresh and perfumed air into the mephitic atmosphere. To some extent he furnished the comedy element to complete the tragedy-drama of life here being produced under Federal patronage and management.

Mr. Francis wore his hair parted in the middle and pasted down in the latest agony. He was something in a way of fashionable cut and extreme modern male flub dub that was dreamful to the last degree, and his "English" accent very soothing. When the jury of commonplace people, artisans, shopmen, men in humble walks and avocations, saw Mr. Francis come to the stand, they eyed him curiously.

MR. FRAWNCIS—SO ENGLISH, YOU KNOW!

When Mr. Francis attempted to step up to the side of the Judge himself, and a horrified bailiff pulled him back, they smiled. When Mr. Francis remarked, "It was in the neighborhood of hawf-pawst 2, I fawncy," and "when she awsked me the question the lawst time," they looked at one another curiously with a "what is it?" expression.

Mr. Francis deposed that he resided in New York, but spent most of his time in Europe. When Butterworth asked him with an irreverence that made a shudder run through the Court-room, what business he was in, he replied that he was studying

law, which raised the first laugh since the trial began, which was repeated with much emphasis when later on he recounted how he endeavored to sooth Miss Pollard when she threatened to shoot herself if Mr. Breckinridge did not keep his promise to marry her. Miss Pollard had assured Mr. Francis that she never could love any other man as she did Colonel Breckinridge; that she loved him wildly and passionately; that she had a pistol in a drawer near the head of her bed, and was determined to shoot herself if he did not keep his promise.

Mr. Francis had soothed and encouraged her, and showed her that life was not all a trackless and promiseless desert by telling her to compose herself, as, though Colonel Breckinridge was a great man, great orator and statesman, there were just as good fish in the sea she could catch.

Mr. Francis said he was in the office of Coudert Bros., New York, and it was developed (by him) that he is a nephew to the Pope's chamberlain, Marquis De La Roche, and cousin to Ward McAllister, all of which was calculated to give very gilt four hundred indorsement to the case of Miss Pollard, for which her counsel ought to be very thankful.

But with all his extreme fin de siecle and fashionable foibles, it began to crawl into the appreciation of all present that Mr. Francis was making, in a seemingly inconsequential way and affected manner, some very telling cracks at the cause of the defense.

CROSS-EXAMINED BY BUTTERWORTH.

Ben Butterworth, who took him in hand for cross-examination, soon became painfully aware of the fact, and "rawther" wished he had let him alone. The cross-examination brought out the facts that in best society circles, where Miss Pollard moved, her engagement was known; that there were similar scenes to those enacted in Mrs. Blackburn's drawing-room enacted in other drawing-rooms; that Mrs. Thompson, who was a particular friend of his, living at 1819 H Street, entertained Miss Pollard as a guest; that Colonel Breckinridge was there frequently; that the engagement of marriage was known; that Miss Pollard, at the request of Colonel Breckinridge, had re-

requested the witness not to inform any one of the engagement, mentioning Madame Covarrubius, of the Mexican Legation, and Mrs. Wing, the present Mrs. Breckinridge, he (the Colonel) having seen the witness conversing with these two ladies.

The witness told of the frequent occasions he had seen the Colonel and Miss Pollard at Mrs. Thompson's; his manner was very paternal, very kind; hers deferential, respectful, and affectionate. The examination was rather a bad quarter of an hour for the defense.

#### STRONG EVIDENCE AGAINST THE COLONEL.

Following him Dr. E. Tabor Johnson testified with the plaintiff's consent, spoken so that all in the vicinity could hear plainly, that he attended her during a miscarriage, the 24th of May last, and identified letters and telegrams from Colonel Breckinridge to her, asking in regard to a sanitarium, cost, comfort, etc., and assuring her he intended to do everything for her comfort and for her aid. The evidence was such as to seemingly connect the defendant with the matter, and the name of no other man was mentioned, though what the defense may be able to show in that connection remains to be seen. It was last Friday Dr. Lincoln testified to the Colonel visiting his office in company with Miss Pollard, and his remark that "there were two other professions better able to deal with her condition than his."

But the denouement in the line of medical evidence was reached in the testimony of the next witness, Dr. Mary Parsons. She stated, to put it briefly, that she had attended Miss Pollard professionally in the winter of 1888. February 3, 1888, Miss Pollard gave birth to a fully developed male child, which was taken to an asylum in this city, where it died in the following April. Miss Pollard, in company with the witness, had gone to the asylum several times to see the child.

Some months afterward she had called at the house of Colonel Breckinridge, in N Street, and presented her bill for professional services in the case of Miss Pollard.

Colonel Breckinridge had assured her that he would see

that the bill was paid. She said that after the birth and death of the child she had seen Miss Pollard and Colonel Breckinridge together several times.

While Dr. Johnson was giving his evidence, the plaintiff had retained her composure, and gave little or no evidence of emotion. It was different when Dr. Parsons began to tell the story of the baby that lived long enough to twine itself around the mother's affections, and then added its death to the crushing weight of sorrows that were overwhelming her. As the witness told the story of the birth and death of the child softly, simply, and in a manner calculated to make it as easy as possible for the mother, it was evident that Miss Pollard was making heroic efforts to hear it with composure, and avoid any demonstration. She kept up until in answer to the question, "Did you and the plaintiff see the child afterward?" she answered "Yes."

"When?"

"At the undertaker's."

With a cry that was half a sob and half a scream, Miss Pollard threw her face forward upon the table, her slender form shaken with convulsive sobs that were audible in every part of the great silent Court room.

"God have mercy, God pity me," she cried, while her counsel and the ladies tried to quiet her.

It was useless, and in a half fainting, half hysterical condition she was assisted from the room, and just as she passed from the door slipped in a dead faint from her attendant's grasp and fell heavily to the floor. The door was quickly closed and the proceedings continued.

During this incident the Judge hardly looked up from the notes he was making. His professional appearance of indifference, however, was not, for apparent reason, as noticeable as that of the defendant. He leaned back in his chair chewing a toothpick, viewing the affair with an appearance of utter unconcern, and immediately renewing his consultations with, and promptings to counsel as actively as ever.

Mrs. Buchanan afterward reported that the plaintiff was is-



such a condition it would be impossible to bring her back into the Court room, and she was not seen again.

Meanwhile, the battle on legal points was recommenced, the Kentucky counsel showing great shrewdness, and keeping their heads together in consultation, the defendant frequently calling out directions in a loud voice to one of his attorneys. Major Butterworth did the main part of the talking for a while, with his usual effectiveness of speech, but was a good deal hampered by his unfamiliarity with all the particular 'points of the case, particularly "Lexington, Cincinnati, and Hot Springs," as the papers read, he having come into the case at the last moment.

It had been evident for some time that there was a good deal of feeling being developed between the counsel of the opposite sides, and occasionally some sharp sword thrusts came from one side or the other, showing the growing bitterness between them. The dignified Washington counsel of the plaintiff evidently were restless under the methods pursued and language used by the other side. But it was not until after the adjournment that matters came to a head to add the feature of personal violence to the sensationalism of the trial, and end up a day's session in one of the highest Federal Courts with a rough-and-tumble fight worthy of a Court-house in Carter County.

Mr. Johnson, who is the partner of Mr. Calderon Carlisle, made some remarks in which he was understood to use the word "chicanery" in connection with the transactions of the opposing counsel, and Shelby, Breckinridge's partner, endeavored to call him down.

#### SHELBY CUT SHORT.

In the midst of his efforts the Judge declared the Court was adjourned, and would not allow Shelby to proceed. Shelby then muttered that he "had a recourse," and was determined what to do, and no Washington dude was going to insult him with impunity. He hastily ran over and stood guard by the door. When Johnson, with the others, came along, he shouted at him: "You have insulted me, and I demand satisfaction."

The men offer a sharp contrast in appearance. Miss Pollard's counsel are in all respects dignified, handsome, and swell.

Johnson is a particularly stalwart and fine-looking young man. Shelby is a small, bald-headed, eye-glassed man, with a blonde mustache, and was not present when personal pulchritude was distributed. Johnson said "Well?" expectantly, and Shelby let loose from the shoulder, hitting Johnson a glancing blow on the cheek. Johnson made a lunge in return, and the men clinched.

In a second, Carlisle, a swell of the 400, a noted attorney, and an athlete, interposed, and everybody seemed to jump in at once in a misguided effort to preserve the peace. It was a regular rough-and-tumble Kilkenney fight, every one seeming to be endeavoring to hit any head in sight.

Above the fray shone the white plumes of the defendant as conspicuous as the helmet of Navarre, and his son feared not to follow where it led. There was a confused exhibition of Thompsons, Stolls, Carlises, Johnsons, Butterworths, with several correspondents taking a hand for fun, a sound of shouts and cuss words, and Judge Jere Wilson's silk hat smashed as the first fatal casualty.

#### BALIFF LEONARD TO THE RESCUE.

The burly form of one of the Court men, Leonard, plunged into the hullabaloo, and he grabbed the contestants and threw them in all directions, and there was a general cessation of hostilities, readjustment of clothing, and gathering up of debris. Judge Wilson's hat was evidently *hors de combat*. Johnson wore a dark red spot on his cheek, and his immaculate get-up was somewhat demoralized. Judge Bradley, who had departed, came back in great heat and haste. He asked a few questions, and was evidently terribly angry.

"Who was guilty of starting this outrage?" he demanded. "I will not have such conduct in my Court, and to-morrow morning I will see that those who caused it shall be punished."

Mr. Breckinridge asserted to the Judge that he was not to blame. He had not participated in the original assault, and was only trying to separate the belligerents. It appeared that that was what every man present had been engaged in except the de-



voted Shelby, and on his bald head the thunderbolts of the legal Jehovah are likely to fall.

It is a question among attorneys to-night as to the power of Judge Bradley to punish the offenders, as Court had adjourned.

The weight of opinion is that he has, as the row took place in his Court room, its inception during session and all in connection with a case he is trying. A leading attorney says that if this proves to be the case, Shelby is booked for a term in jail.

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#### FOURTH DAY OF THE TRIAL.

*Mrs. Logan's statement.—Miss Pollard under the name of Mrs. Burgoyne.—Sister Cecilia, and the four books of Washington Irving.—The fighting lawyers deny the allegation of carrying concealed weapons.*

The fourth day of the trial opened with a look of summer. It was for the most part dry legal routine, the very enlivening episodes coming at the beginning and end of the session. The attractive evidence of Claude de la Roche Francis was lacking. That hot-house flower was gone from the hardy atmosphere of the court room. He had departed from the city, after leaving his correctly spelled name at the various newspaper offices. It was written in a fine Italian hand that might have belonged to his uncle, chamberlain to Pope Leo XIII. For only a time the sanctums of the city shone with the fleeting sunlight of Mr. Francis' presence.

Brotherly love, however, and almost deferential politeness was the spirit which prevailed in the intercourse of the opposing counsel all day.

Like a flash of lightning the blow from the hand of Colonel Shelby, of Kentucky, the night before had cleared the surcharged atmosphere of its anger. While there was much discussion among lawyers upon the point whether Attorney W. C. Johnson's words furnished provocation for the physical resent-

ment which Colonel Shelby offered, every one seemed glad to have the trouble smoothed over, as it was by Judge Bradley's course in dismissing it with an expression of regret.

## UNIFORMED POLICE THERE.

Another aspect of the affair which the Judge referred to had caused much talk in the city over night—that was the probability of a continuation of hostilities with weapons other than fists. So serious was the expectation of trouble that a detail of eight uniformed policemen were sent to the Court-house by the Chief of Police before the hour of the trial. The officers were dismissed by Marshal Wilson, but two members of the regular detective force, dressed in citizens' clothes, sat in Court close behind the lawyers all day, while the force of uniformed bailiffs was increased and a policeman stood outside the door by which Judge, jury and attorneys entered. Information had come to Judge Bradley from sources so responsible that he felt justified in acting upon it, that some of Colonel Breckinridge's attorneys had come to the Court armed, and after he had called their attention to the local law against carrying concealed weapons, there was an unusual courtroom scene, each lawyer rising to formally purge his hip pockets of the suspicion, which popular humor attaches to Kentucky gentlemen.

Miss Pollard failed to appear at the trial, being in a state of great nervous excitement, her friends said. Her presence was not essential, as most of the day was consumed in reading a long deposition, after which Sister Cecilia, formerly of Cincinnati, but at present of Pueblo, Colo., was called to identify the mysterious volumes of Irving by which it is expected to prove that Miss Pollard gave birth to a child in the Norwood convent near Cincinnati in 1884 or 1885. The first contested point of importance—the motion of the defendant to exclude certain affidavits—was decided in his favor, at which he seemed greatly encouraged.

Colonel Breckinridge, smiling as usual, was shaking hands with his cousin, General Joseph Breckinridge, when Judge Bradley took his seat on the bench. Impressive silence followed

the roll call of jurors, the Judge seeming to wait for explanations from the lawyers. Then he said :

THE JUDGE WANTED A CHANCE.

“ I notice the papers have laid out a course of procedure for me to follow regarding an occurrence just outside the courtroom after the Court had adjourned yesterday evening, which the Court did not see, and which the parties concerned in it probably regret as much as the Court does. It is not a matter of which the Court can take judicial notice. As it was past the hour for adjournment when the plaintiff’s counsel had finished speaking last night, and as I noticed some evidences of excitement on the part of the defendant’s counsel, I thought it best to adjourn the Court, thinking that after a night of thought over the connection in which certain words had been used the counsel might look upon them differently. Had the trouble referred to taken place in Court it would have been the duty of the Court to take judicial notice of it, and he would have done so promptly.”

Then, after a brief pause, Judge Bradley proceeded : “ There is another matter about which I deem it my duty to speak. The Court has received information that some of the gentlemen representing the defendant have come into the courtroom armed. There is a law for the punishment of the offense of carrying concealed weapons, not as stringent as I wish it was. This is a law-abiding community, the Courts are adequate to protect citizens, and as such conduct is uncalled for, it is most reprehensible. If the Court has information adequate, he will see that prosecution is begun in the Police Court of the district.”

Here Mr. Butterworth arose, stating that he had never carried a weapon, and thought the counsel should be given an opportunity to enter disclaimers, as he would regret the occurrence of such a breach of order as much as the Court.

THE COLONEL HAS NO “ WEEPIN.”

Mr. Shelby, Colonel Breckinridge’s partner, said he had never carried a weapon in his life, Mr. McKenny followed with a similar statement, Mr. Stoll declaring that he had never en-

tered the presence of a Court armed, and then Mr. Thompson remarked:

"As I am the only one left, I will enter a disclaimer also."

Mr. Carlisle rose to say that he wished it understood that the information had not come from any of the plaintiff's counsel, to which Judge Bradley assented, remarking that it had been made to him by reputable parties. The belligerent episode having thus been closed, Attorney Stoll, for the defense, was asking to be permitted an argument in support of his motion to suppress the depositions taken the day before the trial, when Judge Bradley interposed:

"I hardly think it is necessary, as the Court was about to decide in your favor."

The Judge excluded the depositions on the ground that they did not conform to the law, that they must either be written by the deponent or by the notary before whom they are taken, as they were written afterward by typewriter. An exception to the ruling was taken for the plaintiff.

Another deposition, that of Mrs. Mary Logan, taken before Notary Lowrey Jackson, in Cincinnati, was offered for the plaintiff and objected to by the defendant. In the argument following it developed that this testimony was concerning the birth of Miss Pollard's first child. Attorney Carlisle admitted that the identification of Miss Pollard by the witness was not complete, but complained of the manner and length of the cross-examination of Mrs. Logan, who had herself protested against it as persecution.

#### MRS. LOGAN'S DEPOSITION.

Judge Bradley decided that since more than a day had been consumed in cross-examination of Mrs. Logan the rights of the defendant had been preserved, and admitted the deposition, the defense noting an exception.

Mrs. Mary Logan, formerly a Cincinnati physician, had in 1884 treated a young girl about to be confined, who gave the name of Monica Burgoyne, saying that her friends called her "Mona," and the witness said that Miss Pollard, who was then



in the notary's office, bore some resemblance to her, although she had doubtless changed. It was the young woman's first child, and she had represented that her husband had died or there were family reasons for keeping the birth a secret.

At the suggestion of Dr. Logan, Miss Pollard had gone for her confinement to the Catholic sisters on the Reading Road, three or four miles from Cincinnati. There the physician had made two or three calls, although the young woman was under the charge of the physicians of the institution. Four or five months afterward "Mrs. Burgoyne" had been taken to the house of Drs. Perry and Buchanan, where she passed under another name which the witness could not remember.

If Miss Pollard was the person, the doctor could not identify her certainly, saying, "She has changed greatly if it is she. It has been several years since I saw her. This lady's figure is thinner, her hair is different, and she has changed in many ways. I am positive that the young woman wore spectacles." (Miss Pollard is thin and does not wear spectacles.)

The cross-examination was read by Mr. Butterworth. The witness was certain that the young woman had not passed under the name of Louise Wilson.

The reading of the depositions was very tedious, taking more than two hours, and served to empty the Court of a majority of spectators, and was not concluded until after the noon recess.

During the morning there were no ladies in the Court, not even Miss Pollard and her two friends appearing. Her attorneys have not yet decided whether the plaintiff will be placed upon the stand to testify, as she is in such a nervous state they fear she would not be able to stand the ordeal.

#### SISTER CECILA CALLED:

The people who had deserted the Court began to push back at 2:30, when the plaintiff's counsel varied the monotony by calling a witness. The door between the jury box and the Judge opened to admit two sisters of some Catholic society, attired in the black bonnets and gowns of their order. One of



them seated herself beside Mr. Carlisle, while the other took the chair in the witness box, looking very pale and troubled at her unusual position. Sister Cecila, of the Order of Sisters of Charity of Cincinnati, was the name given. She said that in 1884 she had been Sister in charge of the Convent at Norwood, Ohio, ten miles from Cincinnati by rail and five miles by road.

"Do you recall that in 1885 there was a person there by the name of Burgoyne?" asked Mr. Carlisle.

"I do not."

"Have you examined the records of the institution lately?"

"I have."

Objection to the question of the result of the examination was made.

"Do you remember a female patient who was visited by a female doctor from Cincinnati?"

#### THE BOOKS PRESENTED.

"There was one who was visited twice by Dr. Mary Street."

The four volumes of Irving, which had figured mysteriously in the case, were placed before the Sister, and she said:

"I was presented a set of books like those by a lady who had been a patient in our asylum not long before I left the asylum in August, 1885, but I can not say whether these are the identical ones. I placed them in the book-case of the asylum and left them there."

"Are these the books?" Mr. Carlisle asked.

"I can not positively say that these are the same books, but they look like them."

"What is your best opinion on the question?"

"That they are the same."

"Do you remember that it was brought to your attention that one of your patients was corresponding with some one through the Cincinnati Enquirer?"

"She told me so. I thought I persuaded her to desist. I tried to."

"Do you know Miss Madeline Pollard?"

"I have met her in Washington."

"Would you know her if you should see her?"

"I would now."

"Did you receive a letter from her?"

"One. It came to me in Pueblo."

"Did she describe in conversation and by letter the institution and incidents connected with it in 1885, which would lead you to identify it?"

"One moment," interposed Attorney Butterworth, objecting to recent descriptions of the convent as immaterial.

Judge Wilson replied to the objection, that after nine years had elapsed it was necessary to depend sometimes on corroborating circumstances for identification.

Colonel Shelby counter-argued that the results of the conversations and letter after the institution of the suit, and when, without making any charges in this instance, it would be easy to fabricate testimony, were manifestly improper.

The hour for adjournment had arrived, and as Mr. Butterworth asked time to consult authorities, the Court adjourned, leaving the testimony at the crucial question.

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#### FIFTH DAY OF THE TRIAL.

*Tilts over testimony.—Dissecting Miss Pollard's testimony.—Sister Cecilia testifies to the Norwood episode.—The plaintiff in a private asylum.*

Since his encounter of Monday evening with Attorney Shelby, of Lexington, Mr. Johnson, of Miss Pollard's counsel, has appeared in Court but twice, not that he anticipates trouble, but because he is engaged outside in working up the testimony. Miss Pollard was in Court during the morning, but left when her friend, Dr. Belle Buchanau, of Cincinnati, began to testify concerning the birth of her first child. Colonel Breckinridge was there also, and so were some of his Kentucky constituents, one of whom secured admission to the Courtroom on the repre-

sentation that he holds membership in the same Presbyterian Church in which the Congressman is enrolled. Most of the day was occupied by the reading of depositions from a Cincinnati physician and one of Miss Pollard's school friends, and there was some conflicting testimony regarding her age, which is a disputed point, the plaintiff asserting that she was but 17 when Colonel Breckinridge met her. Her identification by Sister Cecilia was not complete, and remains to be fastened, if it can be, by the writings found in the volumes of Irving said to have been presented by Miss Pollard to the convent.

#### SISTER CECILIA ON THE STAND AGAIN.

The testimony of Sister Cecilia, of Pueblo, Colo., formerly Superior of the Norwood Asylum, near Cincinnati, was resumed when the trial commenced this morning. Miss Pollard was again in the courtroom, sitting nearly in front of Colonel Breckinridge, with only the austere-faced Sister from the House of Refuge beside her, her other unknown friend being for the first time absent. Sister Cecilia was on the witness stand. Replying to Attorney Carlisle's question she said that she had a good memory for names, but a poor memory for faces. She could not affirm positively that Miss Pollard had been an inmate of the Norwood Convent, nor could she say that she had not.

A dispute arose between counsel over the question of admission as evidence of the witness's opinion as to the identity of the young woman. Judge Bradley said that if the question, as propounded, was intended to elicit the opinion of witness as to the identity of the plaintiff with a certain person who was at the asylum at a certain time, it was competent; if it was intended to show that the witness, from things she had subsequently learned, had become convinced that the plaintiff had at some time been an inmate of the asylum, it was incompetent.

#### GOING AFTER AN ANSWER.

The plaintiff's counsel reserved an exception to the Court's ruling, and then framed a different question, asking:

“What is your opinion as to the identity of the plaintiff

with a patient in your asylum in May, June, and July, 1885?" which was also overruled, another exception noted, and followed by the question:

"What is your belief as to whether the plaintiff was in your asylum during those months?"

"That is a question for the jury," said Judge Bradley.

Mr. Carlisle inquired whether any patients in the asylum had been in the habit of veiling themselves, to which the Sister replied:

"There were two or three ladies who veiled their faces when they thought there was danger of being recognized by visitors from Cincinnati."

Sister Cecilia remembered that three or four ladies had come there from Cincinnati in the spring of 1885 in carriages, but when asked if there had been a patient named Burgoyne, answered:

"The name is not familiar to me."

The cross-examination was brief, Sister Cecilia saying in answer to Mr. Butterworth that she had held several conversations with Miss Pollard since her arrival in Washington. After the two Sisters had retired the reading of a deposition by Dr. Kate Perry Kane, of 62 Front street, Cincinnati, who had been in the spring of 1885 a member of the firm of Drs. Buchanan & Perry, was begun by Mr. Carlisle. Mrs. Kane remembered that Miss Pollard had boarded in their house as Dr. Buchanan's patient, under the name of Mrs. Louise Wilson, identifying the plaintiff positively.

#### AN UNFORTUNATE KENTUCKY GIRL.

From the cross-examination in the deposition it appeared that Miss Pollard had a miscarriage; that she was described by Dr. Buchanan as "an unfortunate girl from Kentucky." The boarder was understood to be an unmarried woman, and once after she had been to meet a friend at a hotel about some financial matters, Dr. Kane asked why she did not marry the friend, to which she replied that she could not; that he had ruined her



and she loathed him; had steeled her heart against him, and would not marry him, although he had offered to marry her.

From Miss Pollard's ways, general actions, and knowledge of things in 1885, the witness thought she must have been about 24 years old then. She was not at all frivolous or girlish, kept her affairs to herself, and time seemed to have dealt gently with her.

DR. BELLE BUCHANAN.

The identity of the friend who sat beside Miss Pollard throughout the trial was divulged when Mr. Carlisle called Dr. Belle Buchanan, and that lady walked around to the witness stand and took the oath. As she was giving her name, occupation, and the usual preliminary answers, Mr. Thompson spoke out familiarly:

"Speak up a little louder, please, doctor; we can't hear you."

Dr. Buchanan has an intelligent face. She stated that she first made Miss Pollard's acquaintance under the name of Louise Wilson in June, 1885, when Miss Pollard came from the Foundling Asylum at Norwood in a carriage, her coming having been arranged by Dr. Mary Street, now Mrs. Logan.

Miss Pollard had evidently given birth to a child.

"Are you married or single?" asked Mr. Stoll, beginning the cross-examination.

"I have been married," responded the witness, with emphasis on the verb. "I married James S. Scherer in 1874, but afterwards secured a divorce and resumed my maiden name."

When Mr. Stoll went into the degree of intimacy between Dr. Buchanan and her partner, Dr. Street, between 1881 and 1885, Judge Bradley interposed that he was carrying that too far, whereupon Miss Pollard turned to flash upon the Kentucky lawyer a significant smile. Dr. Buchanan was questioned whether she was the same witness who had made a deposition in Cincinnati in February, answering that she was, and identifying her signature to the deposition.

The cross-examination of Dr. Buchanan was completed



after the noon recess, the doctor inclining occasionally toward sarcasm in her replies to Mr. Stoll.

MRS. ROBERTSON'S AFFIDAVIT.

An affidavit by Mrs. Wesley Ann Robertson, wife of William F. Robertson, of Cincinnati, and daughter of Dr. Brown, the President of Wesleyan Seminary in 1883 and 1884, was read by Mr. Carlisle. The deponent had been a student at the seminary while Madeline Pollard was there; had been given by Miss Pollard a letter to be opened on the night of her graduation in June, 1885. She had last seen the letter when her husband gave it to Colonel Breckinridge without her consent. Here Mr. Stoll had said before the notary that he had the letter, wanted the Court to protect him in the possession of it, and intended to offer it to the witness for identification.

"But you did not get it honestly," the witness replied.

The letter was identified by her. In the correspondence the witness had once, in August, 1884, addressed Miss Pollard as "Madeline Lillian Breckinridge Pollard." Miss Pollard had said that her father was a great admirer of Mr. Breckinridge's father, and that she herself admired W. C. P. Breckinridge greatly, as he was then "the star of Kentucky," a statement which, even read by Mr. Carlisle at second hand, stirred a laugh. In one letter Miss Pollard had spoken of her deep debt of gratitude to Mr. Rodes, and wrote: "How can I ever marry the old wretch?" The witness had understood that Rodes was Miss Pollard's guardian, and wanted to marry her. In the contested letter Miss Pollard had spoken of her love for a Prof. Overman.

According to the witness, Miss Pollard had been an exceptionally bright and lady-like girl, smart in her studies, though her education in early life had been neglected. She had never lived in a city apparently, and was very diffident in the presence of gentlemen. Miss Pollard had told of her visit home on account of the death of her sister, and of meeting Colonel Breckinridge on the train.

"I remember very distinctly that she was very much elated

that a man of his standing should come to her and address her," said the witness.

"We heard a great deal of this incident. I thought Miss Pollard as pure-minded a girl as I ever met, with considerably less experience of the ways of the world than the average young woman who came to the college. My first impressions were that she had been taken advantage of, and I always retained them. She spoke of Mr. Breckinridge as a kind, fatherly old man."

The time referred to in this testimony was in the holidays of 1883 and 1884. The witness was then 18 years old, and Miss Pollard was younger.

There had been a controversy between counsel before the Commissioner over possession of the letter, and the letter had been attached to the deposition. Mr. Carlisle's reading of it, since he found some difficulty in mastering the handwriting, did not add to the impressiveness of the school-girl epistle. She told of the offer of Rodes to her, asking how she could ever marry the old rake, and announced her intention of telling Mrs. Brown, as she could not lead a secret life. There were some verses closing the letter, which Mr. Stoll read, though Mr. Stoll can not be truthfully called a success in the role of elocutionist.

There was also a literary production, a prophecy entitled "Destiny," written by Miss Pollard in school, which Mr. Stoll read while the spectators found entertainment in the attitude of an elderly and honest-looking juror in the front row, who leaned far forward, with open mouth and an expression of profound but vacuous admiration. While there was some literary merit to the production, its relevancy to the case was not apparent, except as an evidence that Miss Pollard had been an exceptionally bright school girl. It was particularly sentimental in its strain.

After Miss Pollard's attorneys had expressed a desire for copies of the letter and prophecy for purposes of their own, the Court adjourned.

## SIXTH DAY OF THE TRIAL.

*Sarah Gess, an old slave, a witness.—Pointing to Miss Pollard she tells her story to the jury.—The plaintiff as a school girl.*

Court was a little late in opening. Attorneys Wilson and Carlisle were the first arrivals, and both deposited aristocratic tiles on the railing of the clerk's bench. Miss Pollard was on hand early, and Colonel Breckinridge took his seat directly behind her. The five lawyers for the defense ranged themselves along the table, two on each side of the defendant.

Mr. Farrell, the young attorney who took the deposition of Sarah Gess in Lexington, assisted the prosecution in examining her when she appeared as a witness yesterday. He is of a very youthful appearance, but displayed considerable ability as an examining attorney. He is of short stature, has a clean shaven face, and altogether leaves a good impression, as of one who will be heard more of later on.

Sarah Gess, an old mulatto slave, who has lived at Lexington since the war, was the principal witness in the Pollard case to-day. She wore mourning, and sat next to the plaintiff's lawyers in the Circuit Court-room this morning. She looked curiously at Colonel Breckinridge and Miss Pollard as they entered, and when called to the stand she answered questions freely. Her examination was conducted by Mr. Farrell, the young Lexington attorney who assisted Messrs. Carlisle and Johnson in taking depositions in Kentucky.

According to Sarah Gess' story she had been born a slave in Alabama fifty-six years before, had lived in Lexington "sence durin' the wah" for twenty-five or twenty-six years—a slight discrepancy in the matter of time. She had "knowed Curnel Breckinridge since I was a little girl."

When Mr. Farrell asked her if Mr. Breckinridge had ever visited her house accompanied by any person, Attorney Shelby objected that the question should connect Colonel Breckinridge's

companion with the plaintiff, a point which Judge Bradley said was well taken.

"Do you know Miss Pollard?" inquired the attorney.

"I do."

"Do you see her here?"

Rising, the colored woman pointed out the plaintiff in black and resumed her seat.

#### USED TO KISS MISS POLLARD.

Ten years ago, she continued, Colonel Breckinridge had begun to visit her house on Broad Street, in Lexington, with Miss Pollard. Before the first visit he had called on Thursday in the summer time to ask that Miss Pollard be kept there Friday to Monday, a request which was at first refused because the witness had no room, but was finally agreed upon. Friday night just at dark they came, and Colonel Breckinridge was in the front room with Miss Pollard until 11 o'clock. Colonel Breckinridge knocked on the middle door for the woman to let him out when he was ready to go.

"He kissed her and bid her good-night, putting his arm around her."

Saturday night and Sunday night Colonel Breckinridge had repeated his visits, each night kissing Miss Pollard good-by in the presence of the colored woman.

Sunday night Colonel Breckinridge said that Miss Pollard must get down to the depot early in the morning to take the first train, and the witness had overheard him say that she was to meet Mr. Rodes there.

#### SHE WORE A SCHOOL GIRL'S DRESS.

Mr. Farrell asked the opinion of Sarah Gess as to the age of Miss Pollard at that time, a question objected to by the defense, admitted by the Judge, an exception noted, and the answer given as follows:

"She had dresses up to the tops of her shoes—a school



girl dress—and seemed to be about seventeen or eighteen. Sometimes she wore her hair down her back in a plait.”

“Had Miss Pollard ever visited your house before that time she came with Colonel Breckinridge?” asked the attorney.

“No, sir.”

“Had Colonel Breckinridge ever visited there before?”

This question raised a breeze. Attorney Shelby was on his feet instantly, objecting. The spectators leaned forward eagerly while Sarah spoke up clearly:

“Yes, sir.”

Judge Bradley sustained the objection, and the question and answer were ordered stricken from the record. Colonel Thompson offered the explanation that the witness said that Colonel Breckinridge had visited her before to make arrangements for bringing Miss Pollard there, but nevertheless the audience snickered over the answer.

“Did Miss Pollard ever come there with any one but Colonel Breckinridge?” asked the lawyer.

“No, sir,” was the answer.

The pair had visited her house about fifty times. A year ago last fall Colonel Breckinridge had come there asking to bring Miss Pollard again, but the witness refused, declaring that she was not taking people in any longer, although Colonel Breckinridge insisted that witness was the only woman Miss Pollard would trust herself with.

#### TRIED TO GET HER TO KEEP STILL.

Then the witness created a sensation by relating that Colonel Breckinridge had visited her last summer after the suit had been filed and told her he hoped she would have nothing to do with the case. She had replied that she must tell the truth. Colonel Breckinridge had inquired where Mary Scott and Mary Wilson were, saying that he wanted them to keep out of the way. He had also asked if Miss Pollard ever came to the house with Colonel Swope and witness assured him that he was the only man Miss Pollard had ever met there. The visits of Colonel Breckin-



ridge and Miss Pollard to Sarah's house, the witness testified, had extended over a period of three or four years.

Colonel Shelby began the cross-examination by inquiring: "Sarah, how long have you been keeping an assignation house in the City of Lexington?" Whereupon Sarah rolled her eyes to the ceiling and responded, "Nineteen years," in a matter of fact way.

"Who brought you here?"

"Mr. Farrell telegraphed for me to come."

"How long have you known Mr. Farrell?" was the next question.

"Oh, ever since he was a young man," answered the witness—a reply which drew a visible blush to the cheeks of the attorney, because the audience persisted in smiling.

The first visit of Colonel Breckinridge and Miss Pollard had been in the latter part of August, and Sarah understood that the girl had been brought from school, as most schools were closed from Friday to Monday. Colonel Breckinridge had said that the girl came on a train.

#### BOARDING-HOUSE KEEPER ON THE STAND.

The next witness was a well-dressed lady, Lucretia Marie Minear, of Washington, whose voice trembled as she announced that she had lived at 25 Lafayette Square, the fashionable boarding-house between the Cosmas Club and Senator Don Cameron's residence, and but one door from the Blaine mansion, where Miss Pollard had boarded in 1892 and 1893. Colonel Breckinridge had often visited Miss Pollard at the house. The witness, it appeared, was the landlady of the Lafayette Square House. Mrs. Minear had last seen Miss Pollard walking in the park with Colonel Breckinridge in April or May of 1893. On two occasions Colonel Breckinridge had brought Miss Pollard home in the evening at 9 or 9:30 o'clock.

Mrs. Kate W. Burt, a stout, middle-aged lady, a clerk in the land office, had boarded at Thirteenth and F streets. When Mr. Wilson asked if Miss Pollard had lived there, and under what

name, Mrs. Burt expressed a desire to see Miss Pollard. The plaintiff had just left the Court room with her companion, and Mr. Carlisle hastened after her, but did not return. Mr. Wilson explained that Miss Pollard was not feeling well, and he had advised her to go to her room. So the witness was excused until 2 o'clock. Soon, however, Miss Pollard returned, and Judge Wilson went in search of the witness and Mr. Carlisle.

Mrs. Burt recognized Miss Pollard; said that she had lived at Thirteenth and F streets for ten days in October, 1887, under the name of Mrs. Foster. The witness had seen Colonel Breckinridge at the door twice, and he had gone to Mrs. Foster's room on the third floor.

#### MRS. FOSTER ABOUT TO BECOME A MOTHER.

"Do you know what Mrs. Foster's condition was—whether there were indications that she was about to become a mother?" asked Mr. Wilson.

"Yes," was the almost inaudible reply.

"Did Colonel Breckinridge ask if Sam Walter, of Kentucky, was living there?" asked Colonel Thompson on cross-examination, to which Mrs. Burt said that he had, but that Sam Walter was dead.

After this Mr. Carlisle partly emptied the Court room by beginning to read a deposition by Mrs. M. A. Ketchum, of Lexington, with whom Miss Pollard had boarded in 1884, '85 and '86, during the time she attended the Sayre Institute. Colonel Breckinridge manifested impatience at the trivial details of the deposition, urging the lawyers to skip them and hurry up.

The deposition of Miss Mary F. Hoyt, 79 years of age, who lived with her sister, Mrs. Ketchum, followed. To her Miss Pollard had represented that she had left the Wesleyan Institute, and had come to school in Lexington to be nearer her mother. Miss Pollard had said that her expenses were paid by her aunt in Pittsburg, and when she left, at the time the first child is said to have been born, declared that she was going to the Mardi Gras with an aunt from Frankfort, who was in delicate health. Rodes

had visited Miss Pollard, and the girl had once said that he offered to pay her school expenses if she would marry him, but did not say whether she had agreed to the proposition. The old lady had been asked if James Lane Allen or Colonel Swope had visited Miss Pollard, and had answered in the negative. It would have been possible for Colonel Swope to call without her knowledge, but not probable. Miss Pollard had occupied a room downstairs, while the old ladies roomed upstairs.

#### AT SCHOOL IN LEXINGTON.

Another deposition by Major H. B. McClellan, who had been principal of Sayre Institute in Lexington since 1870, was read. The principal testified that Miss Pollard entered the school in September, 1884, had always conducted herself well, and had never been suspected of being other than a pure young woman. Rodes had once told the principal of his contract to marry Miss Pollard.

As Judge Wilson had a headache, and there were no more depositions to be read, the Court adjourned earlier than usual.

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#### SEVENTH DAY OF THE TRIAL.

*The sad, sad story, as told by the plaintiff herself.—Miss Pollard on the stand.—Not overawed by counsel, she tells her story straight.*

Miss Madeline Pollard was a witness to-day in the case of Pollard vs. Breckinridge. Her testimony consumed the entire day, and then the cross-examination was not finished. Miss Pollard was cool and collected most of the time, and only once or twice were her tones and exclamations of an emotional character.

It might almost be said that Mr. Butterworth was on the stand during his examination of Miss Pollard for the prosecution. Not once did the learned lawyer get the better of the

woman before him. Her dates seemed to be arranged like a chronological tablet in her memory. Only once was she at a loss to immediately respond to the questions asked her. Many times she commenced her response before the question had been completely asked, so perfectly at her command were the incidents of her past life.

The history which she told has been gone over time and time again by published statements and witnesses' depositions and testimony. To-day, however, there was added to that chronicle the vivid spoken words and the almost piquant personality of the plaintiff. At times the witness seemed to lean slightly to a stage delivery. Her vowels were very broad, almost as much so as those of Claude de la Roche Francis. It would have gratified a professor of elocution to have heard her denial of improper relations with any one other than the defendant. The words "No; never, never!" came out with an aspirated eloquence like the discharge of an air gun.

Mr. Wilson frequently smiled at the attempts of Mr. Butterworth to entangle the witness in any discrepancy of statement.

#### MR. BUTTERWORTH WAS FATHERLY.

Miss Pollard seemed to have a lurking confidence in the kind and fatherly appearance of her cross-examiner, although she quickly corrected him when he asked a question that assumed any doubtful thing as granted. Miss Pollard frequently called Mr. Butterworth by name during the day, and several times told him that he should know better than to ask her certain questions.

Mr. Breckinridge was ill at ease during the examination, and kept his eyes closely upon the witness. Mr. Stoll would turn a sarcastic smile at the defendant during some parts of the plaintiff's testimony, but there was no response from the white-haired Congressman at his side. Mr. Breckinridge had the air of a man who has no time for mirth. His examination of the letters produced by the prosecution was very cursory, and he seemed to recognize them with little trouble. Mr. Butterworth sat immediately at his left during the day, and many of the



lawyer's questions appeared to be incited by some whispered suggestion of the defendant.

Colonel Thompson sent Mr. Stoll one letter, and wore a sarcastic smile during the entire session. He seemed to want the prosecution's evidence hurried to a close, that the defense might prove how futile Miss Pollard's testimony really was. The other counsel for the defense were ranged along the table as before, and took frequent notes of the testimony.

#### THE CROWD WAS LARGER.

The crowd in attendance was larger than on any previous day. Men struggled with the bailiffs in the corridor and told of their exalted government positions, their newspaper connections, or their personal relations with the principals or counsels. It soon got noised about town that the plaintiff was on the stand, and the crowd was augmented by squads. Some of those who could not gain admittance crowded to the windows of the hallway across the inner court of the building. From this vantage point they could not see the witness, but watched the privileged spectators' faces for news of what was going on.

In the audience were several Congressmen, among them Representative Cousins, of Iowa, and Senator McLaurin, of Mississippi. The legal profession was represented by a large delegation of lawyers, and by Judges Cole and Miller. Col. Wilson, ex-District Commissioner Douglass, and Rev. E. D. Bailey were also present.

Mr. Carlisle began his direct examination with the day the witness came into the world, and brought her life down to the present time. Occasionally he would revert to some point that had not been completely covered by the first statements. Miss Pollard was calm and self-possessed during this part of the proceedings, and was far less nervous than the other women who have preceded her on the witness stand in this case. She seemed to weigh every word, and often hesitated to get just the right one. Her story of her life was the same, or nearly the same as in her published statements, and in the testimony of the various



witnesses, only it went into very minute and somewhat uninteresting detail.

#### HAD COPIED THE LETTER.

At one stage of the direct examination Mr. Carlisle produced a copy of a letter written by the plaintiff to the defendant in regard to his promise to marry her, and threatening redress if he did not do as he had promised.

"Do you object to the introduction of this letter?" asked Mr. Carlisle of the defense.

"We do not object," said Mr. Butterworth, "but we do not admit the receipt of the letter."

Miss Pollard stated that she had authorized the publication of her engagement "in the Washington Post and other papers." She had done this only when she found that her own character was coming into question by the apparent denials of the defendant of the engagement.

The cross-examination began at 1:40 o'clock and lasted until 3:15, but into that hour and a half was compressed as much skillful intellectual attack and parry as has ever been heard in a courtroom. The initial efforts of Mr. Butterworth were directed at the plaintiff's age. He got at this by questions about the respective ages of Miss Pollard's brothers and sisters, and the time that her more important studies began. The only weak points in the answers of the witness were when her age was questioned. She stated, however, at the beginning of the testimony, that she did not know her own age; that the records of it seemed to be obscure, and that she had always supposed herself to be older than it appeared she really was.

#### DETERMINING HER AGE.

The exact determination of her age probably plays an important part in the programme of the defense, for a large part of yesterday's examination bore upon this point. Mr. Butterworth pursued his inquiries with such persistent insistence that Miss Pollard many times begged him to cease, because she had really told all that she knew. Once she exclaimed:

"I don't know; I don't remember. People don't usually remember when they are babies."

Mr. Butterworth questioned her closely about the date when her first serious reading began.

"How were you regarded by others when you were young?" he said.

"I was a bright child," was the naive response, "and I did more playing than any child you ever knew;" this last with an inflection that suggested a pretty picture of her girlhood's days.

Miss Pollard said she had read selections from Burns, Mrs. Hemans, and Pope when at the Sayre Institute. She was very fond of Pope's "Essay on Man." Here a noisy smile, starting from the newspaper men, went around the court-room, and the crier lustily exercised his gavel.

"Ever read Browning?" asked Mr. Butterworth. That seemed to be the hardest thing he could think of. Miss Pollard smiled at the question.

"Oh, no!" she exclaimed. "I can't read him even now." She had never read Byron, either, and Mr. Butterworth twice got around to this question. Possibly he wanted to bring out that she had studied Don Juan. But witness had never read Byron, even in her later years.

Another funny colloquy occurred when Miss Pollard was asked about her occupation while at her aunt's, near Lexington. "Why, anything a country girl does," she said. "Don't you know what that is, Mr. Butterworth?" She went on to specify, in detail, that she sewed, washed dishes, dusted, read, taught the children, and rode horseback.

#### ONE BURST OF FEELING.

Perhaps Miss Pollard's intensest feeling was displayed when she burst out in addenda to a certain response with:

"Until I was robbed of the power to become Mr. Rodes' wife by Mr. Breckinridge."

The defendant's face flushed at the words, which were uttered slowly and with deliberate emphasis. Miss Pollard watched him closely as she spoke. At another time she said:

"You know that, Mr. Butterworth, and Mr. Breckinridge knows it. I do not see how he can sit there and allow you to ask me such questions."

Summoning up Miss Pollard's testimony, cold type can not depict the rising and falling of her plaintive voice; the tone of her demure little acknowledgments about her early life, and the sharp yet courteous replies to inquiries of the defendant's attorney, Major Butterworth. She proved the most interesting witness of the now noted trial, and every word she uttered was listened to with attention. She told how she had lived as a little girl; how James Rodes, an uncouth old man, had made a contract with her to pay for her education on condition that she would pay him back or marry him; how Colonel Breckinridge came into her life; how she passed for nine years as a pure, innocent girl; of the alleged proposal of marriage after the death of Mrs. Breckinridge, and of what followed defendant's marriage to Mrs. Wing.

#### OPENING OF COURT.

When the Court opened Mr. Butterworth handed Mr. Carlisle a letter. Mr. Carlisle and Judge Wilson looked at it curiously, and it was passed to Miss Pollard, who glanced at it and passed it to Mrs. Ellis, her companion. Mr. Butterworth held a type-written copy in his hand. Mr. Carlisle seemed worried, and summoned one of his clerks, to whom he gave some instructions. The clerk left the Court room very hastily.

Miss Pollard then took the stand, and Mrs. Ellis sat next her, ready to lend aid if the strength of the witness failed.

Mr. Carlisle's preliminary questions were about Miss Pollard's parentage. Her father was a saddler; when he died in 1886 all the Odd Fellows and Masonic lodges in Kentucky sent delegates to Frankfort to attend the funeral. She told of spending some time with her Pittsburg aunt after her father's death.

In answer to Mr. Carlisle, Miss Pollard said: "In the very last days of August, in 1892, Mr. Breckinridge met me at the Baltimore and Ohio Railway Station."

"How did he greet you?"

"He drew me to him, kissed me, and put me in a carriage and we were driven into the country."

"What did he say in the carriage?"

"He told me that he had something to tell me, and he said he was vain enough to think I would be glad to hear it. He said that the children were all grown up now, and that there was no reason why he should not marry; he asked me if I would marry him, and I told him I would."

"Where were you stopping during this stay in Washington?"

"At 25 Lafayette Square."

"During your few days' stay at this time, was the subject of marriage mentioned?"

"Yes, frequently."

"Where did you go from Washington?"

#### MARRIAGE WAS MENTIONED.

"I went to New York, where Mr. Breckinridge joined me. The subject of marriage was mentioned during those few days."

"Did he say anything about when the marriage should take place?"

"Yes, he said he had waited fourteen months after the death of his first wife before taking a second wife, and he thought a year would be sufficient to wait for our marriage."

"Did you agree with him?"

"No, I said that more consideration was due his children; that he should wait at least two years."

"Was there anything said further?"

"Yes; I said that Mrs. Willard, who keeps a young ladies' school in Berlin, was going back to Europe with her two daughters, and I thought if I went with them I could take a course of study there while the engagement lasted. It would only cost a thousand dollars a year, and it would be better that I should go there."

"Did you receive any note from Mrs. Willard about the trip?"

"Miss Willard, who was stopping at Gray Gables, the sum-



mer home of President Cleveland, at Buzzard's Bay, wrote me that she hoped I would go with them."

This note was produced and read by Mr. Carlisle.

Miss Pollard was also questioned concerning her residence at 25 Lafayette Square, where she said Mr. Breckinridge called on her frequently, and said many times that a year after his wife's death was sufficient to wait. "I saw him always once a day, sometimes twice a day, and during the evening," she said.

Miss Pollard said she had communicated the fact of her engagement to Mrs. Thomas, who lived at 25 Lafayette Square, and also to Claude de la Roche Francis. She told of the conversation with Colonel Breckinridge, which Mr. Francis said he overheard, in which Colonel Breckinridge said he was sorry she had told Mr. Francis of their engagement. Miss Pollard also told the story of her presentation to Mrs. Luke Blackburn by Colonel Breckinridge as his future wife, and of his placing her in Mrs. Blackburn's charge as "my future wife," as testified to by Mrs. Blackburn a few days ago.

#### SCENE AT MRS. BLACKBURN'S.

Miss Pollard went on to tell of the time when she and the defendant went again to see Mrs. Blackburn, and Miss Pollard asked Colonel Breckinridge to tell Mrs. Blackburn when he intended to marry her. "I knel down beside his chair," she said, "and asked him that, and Mrs. Blackburn, I think, objected to this display of affection."

Miss Pollard was asked concerning her visits to Dr. N. S. Lincoln and to Major Moore, the superintendent of police, with Colonel Breckinridge, on which occasions, according to the testimony of Dr. Lincoln and Major Moore, Colonel Breckinridge acknowledged his engagement to her.

"In 1884," said Miss Pollard, "I was summoned from school in Cincinnati to go to Frankfort, where my sister was very ill. Mr. Rodes put me on the car. A gentleman was in the car and coming over to me he said: 'Your face is familiar; don't I know you?' I said: 'No, but I know who you are. You are Colonel Breckinridge.' He sat down on the other side of the aisle and



asked me if he might come to see me. I said my aunt and my mother would be very glad to see him at Frankfort. That was all that was said."

Questions by Mr. Carlisle brought out the history of Miss Pollard's engagement to James C. Rodes. She had met him and he asked her to marry him. She said she did not want to marry then; she wanted to get an education first. He said if she would marry him he would pay for her education. Miss Pollard did not answer that she would marry him, but "I told him that if he would pay for my education I would either marry him or pay him back with interest." He agreed, and a paper containing the agreement was drawn up and signed in the presence of my mother."

Miss Pollard said she did not keep the letters written her by Rodes; she always destroyed his letters.

Colonel Breckinridge and Mr. Stoll exchanged knowing smiles at this answer. -

#### RODES' PERSISTENCE.

"In one of these letters Mr. Rodes said he could compel me to marry him or pay him back. I could not pay him back, and I did not want to marry him. I did not know a man, woman, or a child to whom I could turn for advice until I thought—until I thought of—Mr. Breckinridge. I wrote him asking if Mr. Rodes could compel me to marry him. He answered that letter in person, coming to see me at Wesleyan College, in Cincinnati, where I was a pupil. I saw him in the drawing-room of the college, and he said that was not the place to have a confidential conversation. He asked couldn't we get up some sort of a relationship so that I could get permission to go out. I told him it was not necessary to be related, and we could get permission. He said, looking at a paper in his hand, that there was a concert that evening, and we could go there. He obtained permission to take me out from young Mr. Brown, the principal's son.

"That evening Mr. Breckinridge came back in a closed carriage to take me out. It was a warm, sultry June evening, and I objected to going in a closed carriage, but he said he had a throat affection, so we went out."

"When did you see him again?"

"The next morning at the public library, by appointment. He said he wanted to take me to Lexington. We went to Lexington Friday."

"Where did you go after reaching Lexington?"

"To Sarah Gess's."

"What time was it that you arrived in Lexington?"

"About dusk."

"How long did you stay there?"

"Until Monday morning."

"Who was with you at Sarah Gess's from Friday night until Monday morning?"

"Mr. Breckinridge was there most of the time."

"What did Colonel Breckinridge say to you on the evening of your arrival in Lexington about Mr. Rodes?"

"Nothing."

"What did he say about Mr. Rodes on the following Monday morning?"

"Mr. Breckinridge came to Sarah Gess's terribly frightened. He said that Mr. Rodes had been to Cincinnati and found out that I had gone with him, and that I must catch a train and go to Frankfort, where my mother lived, which I did."

"Who suggested that you leave Cincinnati and go to Sayre Institute?"

"Mr. Breckinridge."

#### THE CINCINNATI EXPERIENCE.

Miss Pollard told of going to see a female physician, Dr. Mary Street, in Cincinnati, in 1885, at the direction of Mr. Breckinridge, to make arrangements for the birth of her first child. She gave Dr. Street the name of Mrs. Burgoyne. She took lodgings over a mattress factory, and stayed about a month; then, after moving further up the street and remaining there for awhile, she went to St. Joseph's Asylum at Norwood, where she registered as "Mrs. Burgwynn." Her baby was born on May 29, 1885, and two weeks later she went to the house of Drs. Perry and Buchanan to recuperate. Miss Pollard identified the

four volumes of Washington Irving that have figured in the trial. They were given her by Mr. Rodes at Christmas, 1884, and she gave them to Sister Cecilia at the foundling asylum.

Miss Pollard had given her testimony without any noticeable marks of nervousness, except in a rising tendency of her voice at times, and an inclination to talk too fast. She looked Col. Breckinridge squarely in the eyes while giving her testimony without appearing to do so.

Taking up her life at Lexington after the birth of her baby, Mr. Carlisle asked Miss Pollard who paid for her tuition and board while she was at Sayre Institute.

"Mr. Breckinridge, of course," was the reply.

"Miss Pollard," was the next question, "who was the father of the child born on the 29th of May, 1885?"

"Mr. Breckinridge," was the answer, long drawn out for the sake of emphasis.

"Miss Pollard, did you ever at any time or place, prior to meeting Col. Breckinridge, have any sexual relations with any man?"

"No; never; never."

"Miss Pollard, have you at any time or place, after meeting Col. Breckinridge, had sexual relations with any other man?"

"No; never; never."

#### ONLY THERE WITH DEFENDANT.

"Were you ever at the house of Sarah Gess with any other person than Colonel Breckinridge?"

"Why, certainly not," said Miss Pollard, with an inflection of surprise.

Miss Pollard said she came to Washington from Lexington in September, 1887, at Mr. Breckinridge's desire. "I had to go somewhere," she said. Mr. Breckinridge took her to the boarding-house here that is now the Elsmere, and then, after a few days, to a boarding-house at Thirteenth and F streets, where she was known as Mrs. Charles Foster. Mr. Breckinridge stayed there also, but they went away when it became known that "Mr. Sam Walter," a boarder at the house, was no other than Colonel

Breckinridge. Then Miss Pollard went to St. Ann's Foundling Asylum in Washington, where she used to go out every night to meet Mr. Breckinridge until the Sister in charge objected, when Colonel Breckinridge took her away, saying if he couldn't meet her she couldn't stay here. He took her to a little house in South Washington, occupied by an old woman called "Aunt Mary," and she remained there until her second baby was born, in February, 1888. After her confinement she went to live at a convent on Massachusetts avenue, and remained there for two years and six months. During part of this time she was employed in the government service, the rest in studying. She saw the defendant three or four times each week during that period.

After leaving the convent she went to live at Mrs. Fillette's, corner of Thirteenth and L streets; then to No. 1 B street, Northwest; then to Jefferson Place. Miss Pollard told of other frequent changes in residence while she resided in Washington.

Mr. Carlisle produced the little wicker sewing-work basket, which the late Mrs. Breckinridge had given her sister, Miss Desha, and asked Miss Pollard if she knew it. "Yes," she said. "He brought it to me just after his wife died, saying, 'Madeline, she cared for this, and won't you have it?' I appreciated it very much," with a doleful little voice.

#### A FALTERING RESPONSE.

"Now, Miss Pollard," said Mr. Carlisle, "what was your condition in May, 1893?"

"I—I wasn't well"—falteringly.

"What was the matter with you?"

"I—I was—was pregnant again."

"By Colonel Breckinridge?"

"Why, of course," this with a sad voice.

"What was the result of that pregnancy?"

"A miscarriage."

"When did it occur?"

"On May 24th, I believe."

"Where?"



"At 1819 H Street."

"Who attended you?"

"Dr. Tabor Johnson."

Such a case is not complete without the conventional packages of love letters, and they were produced next for Miss Pollard's examination. "Those are all Mr. Breckinridge's letters," she said. She was also shown twelve telegrams, addressed to her. "Yes, all Mr. Breckinridge's telegrams," was her comment.

In answer to Mr. Carlisle, Miss Pollard said Colonel Breckinridge last left Washington on Wednesday night, May 17, 1893. Then Mr. Carlisle read telegrams and letters from Colonel Breckinridge to Miss Pollard, written while he was away on this trip, from Lexington, Covington, and other places. Nearly every day he telegraphed her asking if she were well, telling her to make herself comfortable, and to occupy herself. The letters were not at all of the amorous kind; they were friendly, but not too much so. They were signed "Yours," or "Yours truly and sincerely," and had no heading. Some of the letters were read at the trial the other day. They referred to some sanitarium which Miss Pollard had mentioned, and advised her not to go there; she was better where she was at 1819 H Street. This period included the time when Miss Pollard suffered a miscarriage. Colonel Breckinridge, Miss Pollard said, was delivering political speeches in Kentucky and Tennessee.

The next question came near bringing on a scene.

"Miss Pollard," said Mr. Carlisle, "what were the conversations you had with Colonel Breckinridge about going to a sanitarium?"

"BEFORE SO MANY MEN."

"Oh, Mr. Carlisle, I hardly know how to say these things before so many men!" said Miss Pollard, plaintively, in a rather high voice. "I can't say them." There was a suspicion of tears in Miss Pollard's eyes.

"Never mind—don't say anything—don't answer," said Judge Wilson.

Other letters from Colonel Breckinridge on the subject of



Miss Pollard's health, and telling that he was going to Missouri, Pennsylvania, and other places. Colonel Breckinridge made reference to sending some papers, and Miss Pollard explained that "some papers" meant money—they did not like to refer to money in their letters.

Mr. Carlisle read, impressively, a letter from Lexington to Miss Pollard, in which Colonel Breckinridge said: "I can not go to Charlottesville, nor can you go to Washington. It will result in an open scandal. As matters now are, your character and reputation are safe. You owe it to yourself to remain away. It is due to you to write that I will consider your coming to Lexington as conclusive, and you must then take the responsibility of all that might ensue. You ought to control yourself and make yourself comfortable—restore your health, and not destroy yourself. Do not make it impossible for me to do what is best.

"Yours,

"WILLIAM C. P. BRECKINRIDGE."

Some of these letters and telegrams were addressed to Miss Pollard at "The Farms," near Charlottesville, Virginia. A copy of a letter to Miss Pollard from Colonel Breckinridge, referring to the publication of the report that they were engaged, was produced and identified by Miss Pollard; but, before it was read, the recess hour (12:30) arrived, and a recess was ordered until 1:15 o'clock.

#### THE AFTERNOON SESSION.

After recess a letter was read from Miss Pollard to Colonel Breckinridge acknowledging that she had published the announcement of their engagement, and that she was sorry for it. This was evidently in answer to a letter from Colonel Breckinridge, taking her to task for the publication.

This letter began, "My Dear Willie," and was signed, "Your Loving Madeline." Miss Pollard resumed the stand as the Court was rapped to order, with Mrs. Ellis sitting by her side; she was directly in front of and about fifteen feet from Colonel Breckinridge. During the morning session, while Miss Pollard was giving her testimony, the defendant sat in a listless attitude, but not

taking his eyes off his accuser. But in the afternoon he took an active interest in the proceedings, and made suggestions to his counsel. Miss Pollard identified several letters and telegrams, exchanged between Colonel Breckinridge and herself. One from Miss Pollard inclosed "a very ugly paragraph," as Miss Pollard called it, that appeared in the Lexington Gazette, saying that Colonel Breckinridge had said to a friend that there was no truth in the published report of his engagement to Miss Pollard. In this letter, which began formally, "Colonel Breckinridge" Miss Pollard called attention to the paragraph, and demanded that he make immediate acknowledgment of the engagement, not through the newspapers, but in a written statement of the facts, addressed to her, and signed with his own name. She told him if he did not do this, she would take means to obtain justice. This letter was sent registered to make sure of its delivery. No answer was returned, Miss Pollard said. Miss Pollard went on identifying letters and other papers, after acknowledging that she was responsible for the publication of the announcement of her engagement in the papers. A letter dated April 23, 1889, was identified by Miss Pollard as a blind letter, one of several that it had been necessary to write to conceal the relations of Colonel Breckinridge and herself while Mrs. Breckinridge was living. She had gone with Colonel Breckinridge to hear him lecture on religious and quasi religious subjects, said the witness.

Reverting to the conversation of the plaintiff and defendant in the office of the Chief of Police here, in which, according to the Chief's testimony, Colonel Breckinridge had promised to marry Miss Pollard, the witness said that on that occasion Colonel Breckinridge named May 31 following (1893) as the date. Later Colonel Breckinridge had changed this date on account of the nearness of the expected birth of her baby to that time, but he said if she would be happier he would marry her on the date named.

#### LENGTH OF INTIMACY.

The last question asked by Mr. Carlisle was as to how long the illicit relationship existed between Colonel Breckinridge and

the plaintiff, and Miss Pollard answered loudly and distinctly, emphasizing every syllable: "From that night when he took me to Sarah Gess's in 1884, there never was any suggestion of the discontinuance of that miserable sin until Colonel Breckinridge, with all his protestations and promises and vows of affection, left me on the 17th day of May, 1893." Major Butterworth tried to stop Miss Pollard, telling her to simply answer the question, but he was plucked by the sleeve by Colonel Breckinridge and Colonel Thompson, and desisted. But he could not have stopped Miss Pollard; she went right on.

This concluded the direct examination, and Major Butterworth began the cross-examination.

Major Butterworth began by an examination into Miss Pollard's age; and she told him, as she had told Mr. Carlisle, that she had believed, until this suit was filed, that she was born in 1864; but when the question of her age was raised, she remembered something that her mother and her sister told her in 1876. When her father died she had supposed, in 1876, that she was twelve years old at that time; but her mother and her sister told her that she was born November 30th, 1866; so she was ten instead of twelve in 1876. Miss Pollard became excited over some pertinent questions about her early life, which she said she could not answer, because she could not remember. Her father was not a scholarly man she said to Major Butterworth, but he was a well-read man. He taught her what he could. He took perfect delight in teaching his little "gyrul," who was not so high as the table. Mr. Butterworth persisted in saying that Miss Pollard was twelve when her father died, and Miss Pollard became annoyed. She had said she was ten then. "I wish you wouldn't repeat that, Mr. Butterworth," she said; "it's very annoying." Her father had told her fairy stories; he had read her Shakspeare, history, and pretty little poems. She was fond of all these things.

"What else did he teach you?" asked Mr. Butterworth. "Why, Mr. Butterworth, what would you teach your little girl?" was the answer, and there was a laugh. "How were you employed while living at Crab Orchard, Kentucky, with your parents?"

"What was I doing from the time I was born until I was four years old? Why, Mr. Butterworth, I did more playing than any little girl you ever met." "You say your father taught you history," said Mr. Butterworth. "Did he teach you much history?" "Not so much as Colonel Breckinridge told me afterward," was the answer; and it took the crier nearly a minute to stop the laughter. Miss Pollard became more annoyed as Major Butterworth asked her minutely as to her studies, what she had read, what she knew, and how she studied.

"Now I told you that twice, Mr. Butterworth," and she ran on rapidly, telling how, whenever she heard anything that Major Butterworth or some other statesman had said, she got Colonel Breckinridge to get her books from the Congressional Library to look it up."

"Did you read Browning?" was asked

"Oh, no; I was never that deep."

"Did you read Burns?"

"Oh, you know I did not; only some selections—Cotter's Saturday Night, and all that."

"Byron?"

"I never read Byron to this day."

Miss Pollard's answers were bright and sometimes witty, and kept pace with the keen-minded Major Butterworth. Miss Pollard sketched her life at Crab Orchard, how she had left it to go to her aunt's at Pittsburg, where she remained until August, 1880, when she returned to her mother's in Frankfort.

#### JUST A COUNTRY GIRL.

What she did and how she did it at Frankfort, who she knew there, what pleasures she had—all these things Mr. Butterworth wanted to know. Miss Pollard said she did what every country girl did at home—sweep and dusted and such things. "I was only a country girl," she added, with the peculiar Southern twist in the last word. She knew absolutely nobody in the neighborhood; she had not even a bowing acquaintance with anybody nearby.

It was while at Frankfort that James C. Rodes asked her to



marry him, after having seen her three or four times, and Miss Pollard told of the bargain through which her education was obtained. He had asked her before her annt and several others.

"Mr. Rodes," she said, "was not a conventional man." This caused a laugh.

"Was this your first offer of marriage?"

"No, I had one the year before from a Mr. Woods, but I had no more to do with that than you had, Mr. Butterworth. Colonel Breckinridge joined in the laughter over this sally.

"Where is the paper you wrote Mr. Rodes telling him you would marry him if he would pay for your education?"

"I don't know; perhaps Mr. Breckinridge has it."

"If Mr. Breckinridge has the paper, he should produce it," said Judge Wilson.

"He's not Rodes' executor," said Colonel Thompson. The demand of Judge Wilson was not pressed.

#### ENGAGED TO MR. ROZELL

Miss Pollard admitted she was engaged to Mr. Rozell while she was at the Wesleyan College, in Cincinnati, during the continuance of her contract with Mr. Rodes. Mr. Butterworth spoke of her contract with Rodes as "the engagement," and Miss Pollard objected to its being put that way. Mr. Rodes had loaned her the money to get her education on the condition that she should pay him back or marry him.

"Did you tell of this engagement to Rodes?"

"No, sir."

"Did you break off with Rozell?"

"Yes, while Mr. Breckinridge was concealed in a sitting room adjoining and heard me break my engagement with Rozell. I was pregnant at the time by Mr. Breckinridge."

There was one sally that created a roar. Mr. Butterworth asked Miss Pollard if Colonel Breckinridge had recognized her on the train at their first meeting, and Miss Pollard said: "He crossed the aisle and asked me if he did not recognize me; and, by the way, that is a common trick of his, recognizing people he doesn't know." Miss Pollard in answer to other questions said,



she had seen many things in Mr. Breckinridge during their nine years' association that she did not like, including this trick of recognition, but she had not found him out then. Mr. Butterworth tried to make the witness say that on the first night Colonel Breckinridge came to see her he had brought a carriage at her suggestion, but Miss Pollard met him with: "Now, Mr. Butterworth, you know I never said anything of the kind." Some more questions were met with earnest answers that made the spectators laugh, and then at 3:15 o'clock the Court adjourned until Monday.

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### EIGHTH DAY OF THE TRIAL.

*More about her life.—Madeline Pollard drawn out by Major Butterworth.—Ironical, dramatic, pathetic.—Their relations continue after Breckinridge's second marriage.—So declares Miss Pollard testifying in her own behalf.*

Madeline Pollard faced her opponents on the witness stand to-day under a continuous fire of cross-questions, and the trial was like a play in which one actor is starred to the exclusion and belittlement of all accessories. Major Ben Butterworth, the ex-Congressman from Ohio, played a minor part as the questioner, all the interest centering about the slender, black-robed plaintiff in the case.

It was the most interesting day of the sensational trial, and it was made more so by the masterly display of intellectual resources, of quick perception and of telling replies which flashed forth at every turn of the plot as the lawyers followed up every possible trail which might lead to admissions casting any sort of shadow on the life of the woman apart from those passages which had been identified with

#### THE CAREER OF THE KENTUCKY CONGRESSMAN.

Miss Pollard has shown herself a wonderful woman. Whatever other opinions may have been held regarding her, by the men, most of them intelligent and of some standing in the com-

munity, who sat listening all day as though to the revelation of a fascinating story rather than a woman's recital of sorrow and disgrace, all of them were constrained to admit their admiration of her intelligence, her quick perception, and her effective command of words. Seldom does a witness manage to give replies so telling in support of her own case and keep within the limits of the court-room regulations, and several times the plaintiff's attorneys admonished her to confine her statements to answers to the questions which were put.

Pressure for admission to the Circuit Court was greater than it has been at any time before, because of the expectation that Miss Pollard would return to the witness stand for the continuation of the cross-examination which was started last Friday. Crowds pressed against the bailiffs at the doors, trying to pass them by main force, and being repelled with the greatest difficulty.

First among the important arrivals was the defendant, Colonel Breckinridge, and soon afterward came Miss Pollard without the black cloak which she has worn before. She was dressed in a black cloth gown.

Several questions were asked by Mr. Carlisle in direct examination as soon as the plaintiff had taken the stand; the first one whether she had ever been married, to which the answer was

"NO, MR. CARLISLE."

"Who was the father of your first child?" was the next question, to which she replied, "Mr. Breckinridge." Then, in continuation, the plaintiff related in greater detail than she had before the attempts of the Congressman to seduce her, averring that he had told her that he would take her to the house of a dear friend whom he had known in Louisville, before he took her to the house of Mrs. Rose in Cincinnati. He had told her that she had a wonderful intellect, that a brilliant future was before her, "and I seemed to be completely under the influence of his wonderful powers of persuasion," she said. The first night they had been together they had walked the streets of Cincinnati, as they had done the next day after meeting in the Public Library. Colonel Breckinridge had told her that he

would oversee her education, that he would return the money advanced for her schooling by Mr. Rodes. "He did not accomplish his purpose the first day she continued, "and it was only late the second day when we were in the house of assignation in Cincinnati."

Before taking her to the house of Sarah Gess, at Lexington, Colonel Breckinridge had arranged that he should send to the school a telegram purporting to come from her mother.

#### WHICH HE DID,

"Did the sexual relations which you have testified to with Colonel Breckinridge continue after the 29th of April, 1893?" inquired Mr. Carlisle, that being the date of the secret marriage to Mrs. Wing. "They did up to and including the 17th day of May, 1893, which was the last time I saw Colonel Breckinridge," she said, and was about to make further explanations when the defendant's lawyers interposed objections.

After these passages the sparring between Mr. Butterworth and the young woman was resumed where it had been dropped Friday. Many detailed questions concerning her early life, her studies, amusements, friends and ambitions were asked, to all of which she returned replies which could have given no comfort to her opponents. When it was asked whether she was a member of the church she explained that she had been confirmed in the Episcopal Church.

"Are you a member now?" was asked.

"Once a member of the Episcopal Church always a member," came the epigrammatic reply.

Her early ambition had been to write, Miss Pollard declared, and Colonel Breckinridge had told her that she had wonderful

#### TALENT IN THAT LINE.

She had also desired to teach.

"Do you know the value of character for a teacher?" Mr. Butterworth asked.

"Most assuredly I do—never so much as to-day," came the prompt reply. "But all this was swept away by one act."

Further on she explained that she understood the requirements for good character in a woman were the same as in a man.

Several times Miss Pollard's lawyers remonstrated with her that she must confine her answers to the questions put to her, as she manifested a disposition to overstep the limits in her eagerness to make her statements count against the other side. Her voice was somewhat lower than it had been when she was last before the Court, the pallor of her face had increased, except when it flushed at times, but her words were as carefully chosen as ever. There was some interesting sparring when Mr. Butterworth produced the high-flown school-girl letter to "Wessie" Brown, daughter of the principal of the Wesleyan Seminary, and used it as a basis of cross-examination. The plaintiff admitted that it had been overdrawn, and was exaggerated in her pride at that time. It contained references to a blind lover for whom she had entertained the greatest affection, according to the allusions, and

ALSO TO ROSELLE.

"Were you engaged to him?" inquired Mr. Butterworth, referring to the latter individual.

"Not at that time," said Miss Pollard.

There were other references to the latter person, and to her idea that it was her duty to break him of his habit of "swilling fire-water."

"Have you corrected all the errors in this letter?" Mr. Butterworth asked, as he finished its reading in his elocutionary style, which, being somewhat ponderous, hardly accorded with the sentimental terms of the epistle.

"Not all of them," he replied, and then, lifting her veil, began to wipe her eyes with her handkerchief.

The next few replies were delivered in a tear-broken voice, and she seemed to be on the point of breaking down. As he went on to press her for her reasons for leaving her aunt in Pittsburg when a girl, the crying increased. She told Mr. Butterworth that she wanted to answer him satisfactorily, but he seemed "so exasperating." It seemed that she had left this



aunt for family reasons, because another aunt was anxious to take her, and the purpose of the question was not made apparent

## AT THIS STAGE.

In the course of the inquiry about her early aspirations and her reading, she said that the day she had met Colonel Breckinridge at the seminary she had been reading "The Gates Ajar," by Elizabeth Stuart Phelps.

"I understand you to say that you had read no literature which could not be put in the hands of a modest girl?" the cross-examiner asked.

"One moment," interrupted Mr. Wilson, proceeding to argue that this peculiar line of questioning had been pursued so far, so continuous, and so repeatedly that it was becoming oppressive.

In his reply Mr. Butterworth said: "The plaintiff has put in her character here as the main point of issue. She has surrounded herself so far with an atmosphere of perfect purity."

He wants to learn whether she had carried on the line of reading which would naturally suggest inquiry about certain lines of life which would make for good or bad, strengthen her to resist temptation or imbue a tendency to compromise with the approaches of evil. "There are three parties to this suit," he concluded, "the plaintiff, the defendant, and the public."

"It was not the line of questioning, but the repetitions of it to which he objected, Mr. Wilson here urged, and

## THE COURT SUSTAINED HIM.

"Were you old enough to take care of yourself at the Wesleyan Seminary?" was the next question.

"Yes, sir," was the answer. But after it had been made Mr. Wilson proceeded to object that it was not age or reading upon which stress was made, but that it depended upon "who approached with silvery tongue."

This allusion to the well-known soubriquet of the Kentucky orator provoked an audible laugh, which caused Judge Bradley to rap on his desk with a sharp reprimand.



"I want the public to understand that this is not a show," he said. "I am sorry so many think it their duty to come here, and if there is any demonstration of approval or snickering I will order the room to be cleared."

The admonition had its effect. There was much questioning as to whether she knew certain persons in Bridgeport, Kentucky, where she had stopped in 1882 and 1883. Some of the names she did not remember, others she recalled, among them Alex. Julian, the blind man, with whom the defense will endeavor to prove Miss Pollard retired at a country house after a mock marriage.

Then Miss Pollard proceeded to explain the circumstances of the visit to Squire Kinsey's house, on which the story of the mock marriage with Julian was based, declaring that to the best of her knowledge nothing like a mock marriage had taken place. Her uncle George, who is still living, and with whom her mother lives, was

WITH HER THAT DAY.

"Did Mr. Julian ever conduct himself toward you as a lover—did he ever attempt to caress you?" was asked.

"No, indeed; he would not have dared to," came the emphatic reply, supplemented by the explanation that her Uncle George was very strict upon the girls, and would not have permitted anything of the sort.

"How long did your friendship with Mr. Julian continue?"

"I thought Mr. Julian was still my friend. I did not know that he was not."

"Did you know Owen Robinson?"

"I know Mr. Robinson."

"Did you ever correspond with him?"

"I may have written to him. I do not remember."

Several letters were handed to Miss Pollard with an inquiry whether she had written them.

She said that she could best tell by reading them to see whether she recognized any expressions as those she was accustomed to use. After a long pause she handed back the first one, saying, with a smile, "I did write that." Of the others, she

said she might have written them. One of them contained a lock of hair.

Attorneys Carlisle and Wilson occupied a quarter of an hour in reading these school-girl letters, after which Mr. Butterworth

READ THEM TO THE JURY.

The first one dated in March, 1883, was begun, "Dear Owen," said that she had put his last letter under her pillow and cried herself to sleep, expressed regret for a letter written on Valentine's Day as having been unmaidenly, said that he was the most honorable boy she had ever known, and that he must consider her "love-sick maiden all forlorn," assured him that he must not think her broken-hearted because Roche had married the girl of his choice, as she had only talked with him that one evening.

It also inquired "Who that George Reddish is that mamma eulogizes to the skies," expressed sorrow that he had not sent his picture, as she would rather have it than anything else, invited him to come up and stay over Sunday; said she understood that when the gentle zephyrs came he and some one else were to tie the knot with their tongues they could not untie with their teeth, with the poetical quotation:

Is it best for me to know, love, best for you and best for me?

Another letter to Owen Robinson began "Friend Owen," was flowery with poetical quotations of the character patronized by school girls, and closed: "Your dearest friend, Madeline Vivian Pollard."

The lock of hair was inclosed in this letter, but Mr. Butterworth commented that it was of a rather light shade, inquiring whether her hair had grown darker. Miss Pollard said that it might have been hers; that she probably wrote the letter, although she

DID NOT REMEMBER IT.

Regarding the middle name she said she did not like her own name of Valeria, so she had often signed Vivian. Owen Robinson and another young man alluded to as "Henry," had been students of the Kentucky Military Institute, and had often visited her house.

"Was Owen Robinson a suitor of yours?" Mr. Butterworth asked.

"What do you mean by a suitor?" Miss Pollard inquired, in return, explaining, "I liked him extremely well. There was no love affair between us, nor talk of marriage, or anything of that sort. We were very good friends. Owen was the son of a poor woman, but very ambitious, and his tuition was paid by a rich friend."

Mr. Butterworth again referred to the letter which Miss Pollard had averred on Friday was not written by herself. She asked him to show it to her again, saying, that while the expressions of some of them seemed familiar, the handwriting did not, but she did not wish to disclaim any letter she had ever written.

There was a silence while the plaintiff read the letter.

"I did not write that letter; I never did. I pronounce it a forged letter," she exclaimed, with emphasis.

"Then you are sure you did not write it?"

"I never wrote such things as are in that, and no one knows it better than the man who sits beside you. An expert might have done it, and did."

"Mr. Wilson reproved his client for her excitement, telling her that she

MUST NOT FORGET HERSELF.

"I know, but they must not begin that," she replied, excitedly. Then she asked to be shown the envelope it came in, but there was none in Court.

Returning to the circumstances of Colonel Breckinridge's first visit to her at the seminary, Mr. Butterworth asked if he had told her that he was in town on some railroad business, which the plaintiff denied, asserting "he said he had come to see me and he overshadowed me with a glance."

She had known of Colonel Breckinridge, having often heard her uncle, who had fought in Breckinridge's brigade, speak of him, and parenthetically she remarked after Mr. Butterworth had asked whether she knew much about him: "I don't think anybody knew very much about Colonel Breckinridge until lately."

Considerable time was spent in eliciting from Miss Pollard

the story of the beginning of the alleged illicit relations with Colonel Breckinridge. When Mr. Butterworth asked her if, when she first went there, she knew the character of the house of Sarah Gess in Lexington, to which Colonel Breckinridge took her, Miss Pollard responded almost in a shriek:

"No, sir! No, sir! No, sir!"

The trip to Lexington had been made under the pretense, on the part of Colonel Breckinridge, that he wished to look over the school to which

#### HE PROPOSED SENDING HER.

Regarding the deposition of Roselle, who is said to have been Miss Pollard's lover while she was at school, Miss Pollard said, significantly, that statement would not have been made "except for internal revenue."

"What do you mean by that?" asked Mr. Butterworth.

"You know," was Miss Pollard's response.

"Mr. Butterworth disavowed knowledge upon that point, whereupon Miss Pollard said: "Mr. Roselle is a candidate for a Government office in Mr. Breckinridge's district."

Recurring to the incidents in the house of Sarah Gess, Miss Pollard said: "It was during that half hour that I agreed to give myself, soul and body and life, to that man, and he knows —"

Mr. Butterworth: "Hold on, that is argument," and continuing, he asked: "You agreed then to give yourself to him?"

Miss Pollard: "I did. I promised, and up to the 17th of May, 1893, I was faithful to him."

"Up to that time your life had been pure?"

"It had."

"You knew Colonel Breckinridge was a married man?"

"He told me so."

"You knew he had a wife and children?"

"He told me so."

"What relation did you propose to sustain to him in the future?"

"I thought nothing of it. I think under the circumstances people ordinarily do not."



"You concluded to give yourself up to him entirely?"

Mr. Wilson—"That is metaphysical argument."

Mr. Butterworth—"You knew that you were losing your respectability and standing?"

"I did not then."

"How soon did you realize it?"

A. (Weeping) "Not until it had made me an outcast. Until he had made my life

TOO HARD TO BEAR.

He ruined me, but I loved him then. His slightest wish was law to me then."

"But you knew your course was all wrong?"

"Mr. Breckinridge was a man who could make anything seem right with his arguments."

During this passage, which seemed to affect Miss Pollard deeply, and which visibly moved the audience of men before her, Colonel Breckinridge sat facing her with his chin resting on his hands and no trace of emotion appearing on his face.

Once Mr. Butterworth inquired how long they remained in the assignation house at Cincinnati, Miss Pollard replied that she could not remember, it must have been two or three hours, and added: "How long was it, Mr. Breckinridge?" an interrogation which provoked a laugh.

Miss Pollard's expenses while at school in Lexington, it was developed, had been partly paid by Colonel Breckinridge, but he could not give her much, because it would have awakened the suspicions of Mr. Rodes.

Mr. Butterworth: "You knew that if your relations became known it would mean disgrace to both of you?"

"I knew it."

"You concealed your relations with him, then?"

"I did my part and he did his."

"Did Mr. Rodes pay your board?"

"You don't think even Mr. Breckinridge was as bad as that? Mr. Rodes paid my tuition."



## QUESTIONS WERE ASKED

Regarding the location of Miss Pollard's room at her boarding place with two old ladies, while she attended the Sayre Institute, in Lexington, evidently with the intention of showing that she might have received visitors at night unknown to the rest of the household.

"Did Mr. Rodes know of your relations to Mr. Breckinridge?" was asked.

"Indeed he did not, or Mr. Breckinridge would not have been living to-day."

"Then you were under a sort of contract to marry Mr. Rodes in return for the money for your schooling. Mr. Breckinridge was keeping you, and you were engaged to Mr. Rozell?"

(Deliberately) "Yes, Mr. Butterworth, it was as bad as it sounds. And he knew it all." (Referring to Mr. Breckinridge).

Speaking of her life in Cincinnati, when her first child was born, Miss Pollard said that she had told all sorts of mysterious stories to keep Dr. Street from

## SUSPECTING HER IDENTITY.

"I took the little room opposite the mattress factory because it was inexpensive, and he could not afford to pay much money for me," she said.

"Please remember the state of my mind when that article was written. I was all but insane," she said again, when a minor discrepancy between her testimony and the article purporting to be hers, recently published in the New York World, was noted. At the Norwood Convent she had worn a veil, so that none but Sister Cecilia had seen her face. During that time her letters to Colonel Breckinridge had been addressed to "Margaret Dillon, Box 47, Lexington, Kentucky."

When she had visited the convent, after the suit was filed, Sister Agnes had not at first recognized her, but before she left had said: "She has undoubtedly been here."

"Did she not tell you that you were an immoral woman?" asked Mr. Butterworth.

"She did not. She attempted to give me a sort of lecture.

She asked me why I wanted to ruin that old man in his old age. I replied: 'Why did he want to ruin me in my youth?' She said that I ought to think of his daughters, and I said that he did not have pity on me when I was somebody's daughter, nor on my daughter and his, that he made me give away.' " [With emotion.]

Mr. Butterworth—Did you not tell her that this suit was brought for revenge?

Miss Pollard—That is as false as words can be framed. I told her that I wanted him to bear his share of the responsibility in this matter, and that I would go through the world carrying my own share, but I would not bear all the burden he had

PLACED UPON ME.

I believe that there is a principle behind this matter. I believe that justice will be done, and I believe that these men (turning to the jury) will help to see it done."

When Mr. Butterworth asked some question about money matters, Miss Pollard said her only effort at the time referred to, as it always had been, was to conceal her relations with Mr. Breckinridge.

Mr. Butterworth—You haven't done anything as a free and independent agent since you passed under his control.

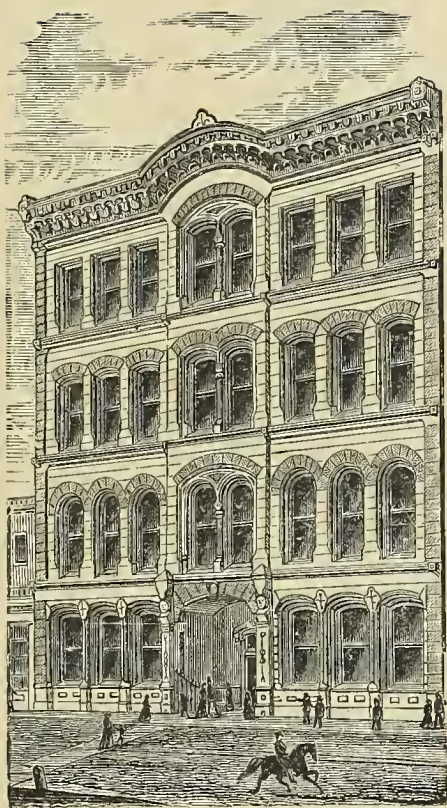
Shaking her head with a faint smile the answer came: "I don't believe I ever have."

Mr. Butterworth was asking Miss Pollard about her ambitions for the future in those early years, when she said:

"I knew I was to always be in Mr. Breckinridge's life because the night before I left for the Norwood asylum he made me promise to give my baby away. He said that if he was ever able to marry me he would, and that if he could not marry me he would keep me in his life always."

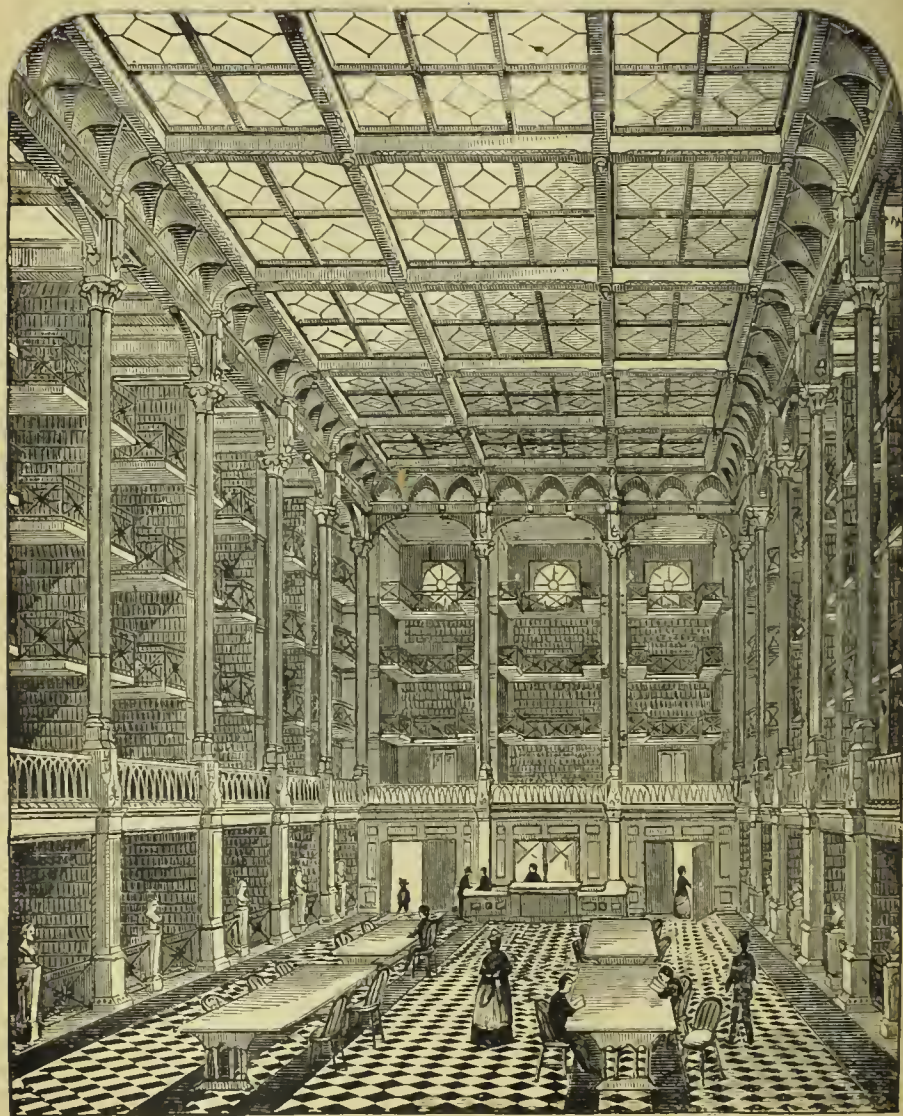
"Did you have any woman before you as an ideal?" Mr. Butterworth asked, and, as Miss Pollard was answering "No, sir, I hoped to make a name by writing," her lawyers objected, and the Judge sustained the objection.

For two years, when she was first in Washington, she had



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met Mr. Breckinridge three or four times a week in a house on Fourth street. She had spent one summer at Bread Loaf Inn, in Vermont, a semi-fashionable resort ten miles from Middlebury, kept by Joseph Battell.

She denied having represented herself as an authoress of reputation. She had met there a woman named Mrs. Bridges, of Brooklyn—"the one who wrote the article in the Standard Union."

"What article?" asked Mr. Butterworth.

"The one you are leading up to." [The article in question was one which appeared Saturday.]

"Was that article true?" was the next question.

"It is mainly untrue. It is colored to suit events. It is not true that I have ever taken opium, nor that I represented myself as author of the poem, 'Love's Power,' written by Mrs. Josephine Pollard."

She had read the poem at Bread Loaf to a little audience. Mr. Butterworth read extracts from the article, drawing

#### QUESTIONS FROM THEM.

Miss Pollard had not known James Russell Lowell, as Mrs. Bridges said had been her boast, but had visited his grave, had known his relatives well and had been entertained by his wife's sister, Mrs. Dr. Howe, in Cambridge. She had known William Dean Howells, the author; had great respect for him, as he had always been kind in answering her questions, and had received letters from him, which her counsel had.

It was suggested by Judge Bradley that this questioning was all collateral, whereupon Mr. Wilson said that he had permitted it because he was very glad to have the article brought into the case; that he would use it later. He reminded Mr. Butterworth that the defense must be bound by the answers to those questions, and with considerable sarcasm in his tone trusted that Brother Butterworth would read the entire article.

Miss Pollard, to further questions, said that on her return to Washington in the fall of 1892, when Breckinridge first formally proposed to marry her, he had met her—"



"Was it in a proper place?" interrupted Mr. Butterworth.

"It was not. It was in a house of assignation on A street. He said to me, 'Madeline, this is no place for us to talk of these things,' so we went out on the street together. He told me about his children, his prospects and his intentions."

"Did you ever talk of marriage while his wife was alive?"

"Very rarely."

"But you did talk of it?"

"We did."

Here the Court adjourned, with the cross-examination still unfinished.

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### NINTH DAY OF THE TRIAL.

*An admission of the secret marriage, brought out by an abrupt question.—Madeline Pollard tells her story in detail.—Giving further testimony against Colonel Breckinridge.—Now scornful, now pathetic, until reference to her children brings on a fit of weeping.—Spectators deeply moved.*

The closing scenes of the day's proceedings in the Pollard-Breckinridge trial consisted of a succession of tempestuous and sensational incidents from the time the court reconvened after the recess until it adjourned at 3 o'clock, with Miss Pollard weeping for her children, her head bowed on the rail of the witness box. Questions by Major Butterworth, as to her relations with Colonel Breckinridge after his secret marriage brought out words of scorn and accusation against the defendant. He was charged with having maligned his present wife, Mrs. Wing; with swearing love and devotion for Miss Pollard three weeks after the secret marriage, when she was in ignorance of it, and with acting the part of the deceiver in every possible way.

Incidentally it came out that a tragedy was narrowly averted in the Hoffman House in New York, two days after Colonel Breckinridge's first marriage in that city to Mrs. Wing, and while he was occupying communicating rooms in that hotel with Miss Pollard, who was registered as his daughter. Another new

and startling incident brought out in the cross-examination was that Miss Pollard on one occasion, after the marriage and before she knew of it, went to the house in this city where Colonel Breckinridge and his present wife (not then acknowledged) were residing; that on seeing her they both crouched behind a curtain; whereupon she called out, "Willie, come out," and he came out and accompanied her to Dr. Lincoln's.

These and other scenes entirely overshadowed the morning examination, which was mainly devoted to reading the deceitful letters addressed by the plaintiff to her aged dupe, Rodes.

#### MR. WILSON STARTLES THE DEFENSE.

Perhaps the most unlooked for and remarkable event of the day was a tilt between counsel over the secret marriage of defendant to Mrs. Wing. Without a moment's warning the opposing lawyers were let loose upon each other like hounds fresh from the leash, and the battle royal since the inception of the proceedings followed. Major Butterworth and his associates were brought face to face with the secret marriage, a burning question of the suit, as suddenly and abruptly as though it had been a pitfall. Mr. Wilson could not have given them a greater surprise.

Major Butterworth was forced to the admission of the marriage, but he stood his ground before the unexpected attack like a Trojan. He was questioning the plaintiff about her act in New York city on the 1st of May, and about the alleged threat to shoot the defendant, when Mr. Wilson rose to his feet. He did not face the Court. He looked hard at Major Butterworth. "I want to know," he said, "if your position is that Colonel Breckinridge was secretly married the 29th of April, 1893, to Mrs. Wing?" He insisted that an answer was necessary to this question before he could allow the cross-examination to proceed upon the lines which were being followed.

Major Butterworth parried the thrust, apparently, until he could satisfy himself of a discreet reply.

Mr. Carlisle exclaimed: "I understand that it is admitted: You say that they were secretly married."

Then Mr. Butterworth asked that they should forbear from using the word "secretly." He said he would advise the opposing counsel, for they were apparently walking in the darkness and sought the light. "Mr. Breckinridge," he declared, "was married to Mrs. Wing April 29, 1893." Then he asked Mr. Wilson if that was the light he wanted.

Mr. Wilson retorted to the effect that he was not agitated about walking in the darkness, and pressed Major Butterworth further about the records of that marriage. "That cuts no figure here," the Major replied. "I am not going to be betrayed into talking about foreign matter at this stage. The question is one of shooting."

"I will show you," said Judge Wilson in reply, "that it won't make a particle of difference if she had cut his ears off." Then he turned to the Court, and with increasing eloquence, declared that Colonel Breckinridge had violated that contract made with Miss Pollard in his secret marriage, and it would make no difference if she had slit his nose. Shooting could not be used as an excuse for a violation of the contract. He could not use any specific act of hers, because he had not alleged it.

#### JUDGE BRADLEY OVERRULES OBJECTION.

Judge Bradley interposed at this point, when the excitement had grown intense. He asked a few questions. He said that according to his memory the direct examination had been allowed up to the 13th of May, and that a cross examination would be permissible up to the same point. He did not pass upon the admission of the evidence as a matter of defense.

The remainder of the afternoon's proceedings, which disclosed several interesting facts in connection with the suit, centered in the testimony of the plaintiff. She grew intensely eager to tell her story in full, and sometimes interfered with the controversies between the lawyers. Judge Bradley, after her attorneys had restrained her several times, called a halt and instructed her in a few words how she should bear herself as a witness. She had sat quietly in her arm chair in the witness box most of the time, but her face grew flushed, and in her excite-

ment she sometimes pounded her fist upon the desk in front of her to emphasize her statements. She kept her eyes fixed upon Colonel Breckinridge throughout. She shook her head, and at one time leaned her elbows upon the desk as though she would come nearer to the counsel, who have harassed her for the last three days with all manner of questions, to enforce upon them the facts which she was speaking.

Her language describing her affection and trust for the defendant was very strong, and she frequently called him "Willie" in telling about the love passages which had passed between them. She repeated, in very pronounced terms, words which she said he had uttered to her during the period of their meeting on the 1st of May, 1893, in New York, and subsequently in Washington before the 17th of that month, protesting his devotion to her and his contempt for his present wife. She said they had talked of their unborn child, what they should name it, and of the home they hoped soon to occupy.

#### ACTS OF A DESPERATE WOMAN.

Her language was sharp as a lancet. She dwelt with fullness upon the stories which had awakened her suspicions with regard to his fidelity, of the concealments, misrepresentations, falsehoods, and deceits which she had practiced in conjunction with him that their true lives might not be known. Her stories of four revolvers which she had bought at different times during their relations, and her testimony of resolutions to kill herself and the defendant when he seemed to be untrue to her were not far from thrilling, and bespoke the determination of a desperate woman. Colonel Breckinridge colored to the roots of his hair while she told of one of the revolvers she had bought because of certain anonymous letters that had been forwarded her telling, as she expressed it, of his "relations with 'nigger' women." She said that her love for him at the time was so great she was decided to kill only herself, and that the resolve to take both lives came to her later, especially at the time of her sojourn with him in New York.

The plaintiff trained her powers with great effect again upon



Colonel Breckinridge, and showed, as she has so many times, that she is not inferior in certain ways to the learned counsel. While Major Butterworth was questioning her about the conduct of the defendant succeeding their return to Washington from New York last May, she told of how, at a meeting the defendant, who was aware of her delicate condition, had some show of conscience, and that his face had given some proof of his penitence. She lowered her voice and spoke in the tenderest and most piteous tones.

#### THE TALK AT MAJOR MOORE'S.

Miss Pollard then gave her version of their meeting at Major Moore's. It was full of interesting statements. She said that in her desperation she had once given away her clothing in preparation for a tragedy. Her story differed somewhat from Major Moore's, she declaring that he was in error about the talk of presenting the pistol as a birthday present, but that it was mentioned as a wedding present. Mr. Breckinridge had never attempted to terminate their relations, although there had been times when she wished to do so. He always vetoed it. She also told how her positions in government employ had been procured, and stated that Commissioner Lyman had assisted Colonel Breckinridge in getting her a position in the Agricultural Department.

She declared that she had always tried to conceal her grief from defendant, that she had not allowed him to see her crying over the burial of her little children. She shook with sobs when she said that she had given up her children for his sake, and that a mother couldn't give more.

The whole Court-room was affected at this scene, and Colonel Breckinridge looked troubled.

#### LETTERS TO HER ELDERLY ADORER.

When Judge Bradley took his seat shortly after 10 o'clock the only person connected with Colonel Breckinridge's defense present was Colonel Phil. Thompson. Miss Pollard and her companion, Miss Ellis, with Judge Wilson and Mr. Carlisle, her attorneys, had arrived early. There was little delay, however,

after the Court convened, for Major Butterworth entered a few minutes afterward, and was followed almost immediately by Colonel Breckinridge and the others of his attorneys.

Miss Pollard took the stand, and Major Butterworth began to question her about her acquaintance with Mrs. Luke Blackburn, of Kentucky, who had testified that Colonel Breckinridge put Miss Pollard under her charge as his affianced wife. This line of inquiry suggested to the spectators the claim of Colonel Breckinridge that he will controvert Mrs. Blackburn's testimony.

Miss Pollard said she met Mrs. Blackburn in the winter of 1890-91. She was handed a letter by Major Butterworth with the request that she examine it.

"This is written to Mr. Rodes," she said. "It is in my handwriting," and then, a minute later: "Why is the heading torn off that letter, Mr. Butterworth?"

"I don't know, Miss Pollard," said Major Butterworth.

"Does Mr. Breckinridge know?" she asked.

"Now, Miss Pollard, you must not ask questions of Mr. Butterworth," said Mr. Carlisle, her attorney, and Miss Pollard became quiet.

Major Butterworth then read the letter, which was dated Lexington, Ky., November 20, 1884. It begged Rodes for \$40 to pay her board bill, and called him "dear." The letter was read, as follows:

#### HE HAD DISAPPOINTED HER.

"LEXINGTON, KY., Nov. 20, 1884.

"Dear Mr. Rodes: I fully expected a letter from you this morning. It annoys me when you don't write. Miss Hoyt has just asked me for the money for my board; mamma will be unable to furnish me any of this money, as she is building a new porch and repairing her house so as to rent the place. Please, dear, do let me have \$40 by Saturday without fail, for Mrs. Hoyt has asked me for it two or three times. I know you can, and I know you will, for any one that has as many friends as you have can always get it. Come Saturday evening about 7 o'clock and you can stay until half past eight. Be careful how you talk,

and we can have a pleasant evening. Put the money in an envelope, and when I go to the door with you give it to me. Be sure and bring it or I will not know what to do. It is turning so cold, but I am so well I don't mind cold, and like to go out. I have not heard from mamma since I wrote you last. There is a family of the name of Keighan living just across the way, and I think they are the same family that I have often heard you speak of. I don't want you to mention my name there, and I will tell you why when I see you.

"I will look for you Saturday night, and don't disappoint me, for I will be miserable if I don't get that for Mrs. H. I will look for the letter to-morrow saying you are coming.

"Yours, truly,                      MADELENE."

Major Butterworth read another letter to Rodes, dated Lexington, November 27, 1884, in which Miss Pollard repeated her request for the money. In substance she said:

"Dear Mr. Rodes: I am so worried and disappointed I don't know what to do. I thought surely you would have brought it to-night. Miss Hoyt's coal bill is due and she needs the money for my board. I should think a man with so many rich friends as you could get it. Besides, your pay-day is so near. \* \* \* Do try to get it by Saturday,"—and more of the same kind, with some little talk about a birth-day present.

#### A SUGGESTION TO COUNSEL.

"Mr. Butterworth, there were a great many more letters," said Miss Pollard, when Major Butterworth had sat down as if he had nothing more to read.

Taking the hint, Major Butterworth then read a letter from Miss Pollard to Rodes, dated Bridgeport, Ky., December 30, 1884. It was merely of a friendly character, bright and chatty, and signed, "Yours, with love, Madeline." Another letter, rather peremptorily asking for the \$40, and wondering why Rodes had not brought it, as "Friday was pay-day." "Do not come unless you bring what I ask for. (Signed) M." was the conclusion.

Still another letter from Miss Pollard, dated New Orleans,

February 15, 1885, told Rodes that she would take "this—my first opportunity—to write to you and mamma," and informing him that he should have every dollar of his money back, and "if I am provoked again as I have been, I think it will only be for once."

Miss Pollard buried her face in her hands and laughed at some of the advice in the letter to the old man—telling him to go to church often and things of that sort, and also at the remark, "if you could see the pretty girls here, you would not look at me." The letter ended: "With love and kisses, Madeline."

Miss Pollard seemed in better spirits than she had been at any time since the trial began. Her face was placid, and she smiled frequently.

Another letter dated New Orleans (where Miss Pollard said she was attending the exposition), dated February 21, 1885, was of a light, gossipy character, and signed, "Lovingly, Madeline." This letter, like the other, although dated at New Orleans, was postmarked "Towlesboro, Ky." So was the next letter read, which was dated "Jacksonville." Miss Pollard wanted to explain this mystery, but she was not allowed to do so. She appeared much amused at her girlish expressions. "Dearest Mr. Rodes," and "With love and kisses" made her smile.

More letters were shown her by Major Butterworth.

"Yes, these are all mine," she said, with a half-laugh. "I'm so glad they are."

"So am I," said Major Butterworth.

These letters were written at the time when Miss Pollard testified she had gone to Cincinnati during her first pregnancy. Her baby was born in May following.

Major Butterworth read the letters in the order of date. The next was dated "Cincinnati, July 1, 1885." An explanation of how the letters were sent to Miss Pollard in Cincinnati and not to New Orleans and Jacksonville was given in one of the letters, in which Miss Pollard said Rodes must send the letters to her mother to be forwarded so that they could come with



## POLLARD VS. BRECKINRIDGE.

her mother's notes and keep her aunt, with whom she pretended to be, from knowing of her affair with Rodes.

### MORE BEGGING LETTERS.

In a letter to Rodes dated July 11, 1885, Miss Pollard said she "must have \$40 right away," and she showed a familiarity with his pay days. A letter dated July 14, begged for the money mentioned in the last letter. "Lovingly, Madeline," was signed to this.

Miss Pollard smiled brightly as Major Butterworth handed her another letter for identification, and she appeared to think it all very amusing as she said, "Yes, sir." In a letter dated August 20, 1885, Miss Pollard told Mr. Rodes of the races at the Lexington fair, and said: "I just know if I were a man horses would be the ruin of me."

In a letter dated August 14, 1885, at Lexington, addressed to Rev. Dr. Brown, the principal of the Wesleyan Seminary, Miss Pollard said she had learned from Mr. Rodes that he was \$140 in Dr. Brown's debt for her schooling. She asked the doctor to destroy the promissory note given by Mr. Rodes on the promise that she would pay it herself. A gossipy note to Rodes, dated March 10, 1886, was signed "M.V.B.P.," and the inference is that "B" stood for "Breckinridge." Mrs. Wesleyana Robinson testified in Cincinnati that she had written a letter to Miss Pollard, addressed "Miss Madeline Vivian Breckinridge Pollard." A number of other friendly letters to Rodes at this period, of no interest, were read.

A letter dated September 14, 1886, addressed to Rodes, and evidently concerning money, said: "It is perfectly in your power to comply with my request, and why you do not do it is strange to me."

### WRITTEN TO DECEIVE THE OLD MAN.

When Major Butterworth had finished reading, he asked Miss Pollard if she had not said that these letters were for the purpose of misleading Rodes, but Mr. Carlisle interfered, and said Major Butterworth should specify "what letters." Major

Butterworth referred to a statement of Miss Pollard that she had read Washington Irving at the school.

"I beg your pardon, Mr. Butterworth," said Miss Pollard, "the letter containing that statement was from New Orleans."

"Were you in New Orleans then?"

"I was never in New Orleans in my life. Mr. Breckinridge knows perfectly well why those letters were written—they were written to deceive Mr. Rodes. They were sent to my mother while I was in Cincinnati before and after my baby was born, and she mailed them to Mr. Rodes."

"Why did you ask for so much money?"

"I did it to cover up suspicion. If I had not asked for it he would have wondered how I lived. I did not want the money, for Mr. Breckinridge would have supplied all I needed. Every letter bears the mark of what I say."

"Did you get any money?"

"Yes, and used it, too. Why should I be obliged to say I did not need it when I had asked for it?"

"Did Mr. Rodes pay you the \$40, and the several sums you asked for?" asked Major Butterworth.

"I really don't remember, but I presume he did," said Miss Pollard.

To another question Miss Pollard exclaimed that she wrote these letters to cover up her tracks from Rodes at Colonel Breckinridge's suggestion. "He knows all those little tricks of deceit," she added. Colonel Breckinridge had not supervised any of these letters, she said, but he told her what to write in the letters dated New Orleans, because she had never been there. The letters, as she had said, had been forwarded to her mother at Towlesboro. Her mother knew she was in Cincinnati, thinking Miss Pollard was employed there. Here Miss Pollard broke in with—

"And I want to say that the main letters written to mamma were dictated by Mr. Breckinridge, taken by him to postal cars, to anywhere to cover up a postmark and deceive her. He sometimes wrote to mamma, and often filled in the notes of the letters to Mr. Rodes."

"Miss Pollard," said Major Butterworth, "Please answer my questions and don't try to envelop them in a fog of phrases."

"I am using facts, not phrases," was the answer. "I have fully explained these things to you, Mr. Butterworth. I have told you all about them, so please don't ask me anything more about the matter."

To a reference to her mother as "the agency of deception" in the Rodes correspondence Miss Pollard objected. "Poor, dear mamma," she said, "should not be accused of that."

Major Butterworth replied with spirit to an objection of Mr. Carlisle to some of his questions. Major Butterworth said the witness had made diverse statements—one on the stand, another in the letters. She claimed that she had the letters to Rodes sent from Towlesboro to deceive him, but she did not let him know she was in Cincinnati because he might come to look her up. This was absurd. It was easier to find her in a small town that could be searched in an hour than in Cincinnati. And why should he not go to Towlesboro, which was seventy-five miles nearer his home? "These letters were sent from Towlesboro," said Major Butterworth.

"But they were not," interjected Miss Pollard.

"Miss Pollard, you must keep out of this discussion," said Mr. Carlisle sternly.

"Oh!" ejaculated Miss Pollard, setting back in her chair.

Here a recess was taken until 1:15 o'clock.

#### ASSISTANCE IN THE WORK OF DECEIT.

At the afternoon session, when Major Butterworth asked Miss Pollard if her mother knew why she was staying in Cincinnati, Miss Pollard answered that she had told her mother that there was a very good reason why her presence in Cincinnati should be kept secret. "There were two or three stories involved," she said, frankly. "I will tell what they were if you wish."

Miss Pollard said Colonel Breckinridge had written letters on the typewriter to her mother while she was in the foundling asylum, and Major Butterworth asked:

"What was in those letters?"

"I don't know, but I'm sure Mr. Breckinridge can tell you; he wrote them and knows all about them." The letters, said Miss Pollard, were addressed "Care of Mrs. Burgwynn," and were handed to her as Mrs. Burgwynn to give to "Madeline Pollard."

Some questions to Miss Pollard about the written contract with Rodes brought an objection from Judge Wilson, who said the presumption was that the defense had this contract, and it should be produced before questions about it were asked.

Major Butterworth denied that the defense had the contract, and Mr. Stoll supported him with the assertion that the presumption was that the plaintiff had it. These explanations removed the objection to asking about the contract, and Major Butterworth asked what did the understanding or contract with Rodes embrace.

Miss Pollard said it was understood that Rodes should pay about \$450 a year for tuition and board, and she went to a convent in September, 1883. "I did not ask him for any money during the whole time I was in Cincinnati in 1885, from February on, and you will not find a reference to money in those letters—not one. I was supposed to be working at the time."

Major Butterworth started to read a copy of a letter, but Miss Pollard insisted that the original be read, and Major Butterworth said he would take the matter up later on. Then he asked how it was that Rodes did not know she was in Cincinnati, as she had said, when she had told him she had a position there?

"I did not say I told him that," was the answer, "mamma knew I was in Cincinnati; Mr. Rodes thought I was a traveling companion."

"When you were in Washington first, did you write for any journals?" Major Butterworth asked.

"No; I never did. I said so though. Mr. Breckinridge made up these stories for me to tell, and I told them so as to make it appear right that I was here. I never did it by myself; he planned and arranged and sustained it in every way possible."



"Did you ever say you were studying for the stage?"

"No—o—I never thought of such a thing. Plain women never think of it; only pretty girls do."

"Miss Pollard, were there never questions raised as to your relations with Col. Breckinridge, and if so, what preparations did you make to offset them?"

"We made an arrangement by which I was to tell him if any suspicions arose. There were questions asked me which I found it hard to answer."

"Miss Pollard, you said yesterday that your relations with the defendant continued after his marriage?"

"After his secret marriage."

"Did you have any suspicions about that marriage?"

"No; but I knew he had been with Mrs. Wing in New York, and I asked him about it. He answered by telling me that there was nothing between them, and then he maligned her. He spoke of her in language I can not repeat, and that it would be hard for any one to believe, and said that she was engaged to be married to Lieut. Chamberlain, of the army. And this was all after his secret marriage."

"Did you believe there was nothing between Col. Breckinridge and Mrs. Wing?"

"He told me that she was a very worldly woman, and I certainly became suspicious that he should spend twelve days with a worldly woman."

"Miss Pollard, did not you and Col. Breckinridge have some scenes about this time?"

"Oh, yes," she cried, scornfully. "Life with that man couldn't be all happiness to everybody."

"Did you go to New York about the time of this marriage?"

"Yes, sir; I went to New York on April 29th last, and saw Col. Breckinridge on May 1st—two days after his marriage."

"Did you register as his daughter at the Hoffman House?"

"Yes, sir, on May 17th."

"Did you threaten to shoot him in his room there?"

"Yes, sir." This reply was made quietly, and in a matter-of-fact tone.

Then Judge Wilson asked if the defense admitted the marriage on April 29th.

THE SECRET MARRIAGE ADMITTED.

Major Butterworth admitted it, and made the first formal announcement of the ceremony.

Judge Wilson made the point that since the marriage of the defendant on April 29th was admitted, anything that happened subsequent to that date was not competent evidence. Judge Wilson spoke in a voice charged with a great deal of feeling, and he hinted some things uncomplimentary to the defendant, saying it did not matter whether Miss Pollard shot him or cut off his ears—if that happened subsequent to April 29th.

Judge Bradley overruled Judge Wilson's point on the ground that the matter had been brought in on direct examination.

"You went to the Hoffman House and registered as Miss Breckinridge?" asked Major Butterworth, resuming the cross-examination of the plaintiff.

"Yes, sir."

"You got a room, did you not, opening into that of Mr. Breckinridge?"

"Yes, sir."

"And when he entered his room you advanced from your room with a pistol in your hand, intending to shoot him?"

"No, sir; it wasn't that way."

"Did he not prevent you from shooting him by shutting the door?"

"Oh, no; I didn't have the pistol in my hand while he was there. I had it in my hand before that. When he came I told him that I had a pistol, and he took it out of my traveling bag."

"Did he not tell you to put the pistol down at the door and he would ring for the bell boy, and when the bell boy came you would——"

"Why, no!" broke in Miss Pollard; "it wasn't that way at all—not at all—it wasn't that way—oh, no!"—rapidly.

## HER VERSION OF THE PISTOL EPISODE.

After some rapid interchange of remarks, in which Miss Pollard made many interruptions trying to tell the story her own way, she finally managed to tell it. Mr. Breckinridge, she said, had joined her the Sunday night of his marriage at the Hoffman House, and said he might have to go away. "He said a big company had been formed, with Mr. Whitney, Mr. Fairchild, and other rich men, with a capital of \$30,000,000, and that they were going to commission him to go abroad, and he wanted to know if I would marry him and go abroad with him. I said: 'Willie, I will go with you at a minute's notice.' He went out, asking me to put some of his clothes together, and I looked over his telescope bag and found a revolver in it. I became suspicious at this, for he had been acting very oddly. He said he gone out to see Mr. Whitney and Mr. Fairchild. I telephoned them; they had not seen him. He said he might have to go away that night on a private car, but there was no private car for him to go on, for I wrote to the general manager at the Grand Central Station, and he said no private car was there. Then he came back and acted very queerly. I told him I didn't believe what he said. He talked of going to Samoa, to Europe, to other places, and I was suspicious. I asked him if he intended to keep his solemn promise to marry me, and he said: 'Madeline, I never loved another woman as I love you, my darling; I have never thought of another woman—never a thought but of you has been in my mind.'"

Miss Pollard's imitation of Col. Breckinridge's tones of voice was very good, and caused a laugh.

"I told him if he did not marry me I would kill both him and myself, and he swore he would marry me, and removed my suspicions. I thought the man would do harm to himself, he acted so queerly. When he went out that night he put the revolver in his pocket.

Miss Pollard went on rapidly to explain further scenes between the defendant and herself. Col. Breckinridge had sworn eternal love by her, and maligned Mrs. Wing, his wife. One

night in Washington she had gone to the house on Jefferson Place wherein Mrs. Wing lived, and Col. Breckinridge and Mrs. Wing ran when she entered. She saw them crouching down behind a curtain, and she said: "Willie, come out of that—come with me. And he came," she added. "We walked to Dr. Lincoln's, and on the way he maligned Mrs. Wing, who was then his wife, although I did not suspect it, and said all sorts of horrid things about her."

#### MEDITATED MURDER AND SUICIDE.

Miss Pollard admitted frankly that she had bought a pistol to kill the defendant and herself. She had also bought a pistol in February, 1893, to kill herself alone. She had not believed all he told her; she began to doubt him. She had begged him to marry her, and he had said he would keep his solemn promise. All this was after he was married to Mrs. Wing. She had received anonymous letters about his relations with negro women after their engagement was announced, but she paid no attention to them. "I never made a threat to him—never—until the time he acted as though he did not want to keep the solemn promise he made me."

The scene during all this examination was tragic and exciting, Miss Pollard leaning forward in the witness box, and looking squarely at Col. Breckinridge as she delivered her charges against him.

Miss Pollard told of the sensational call on Maj. Moore, the chief of police, when she gave up a pistol to him. She told of her wanting to go away after Mr. Breckinridge's wife died to stay two years until he could marry her, but he begged her not to go, and she yielded to him. "I always yielded," said Miss Pollard.

Recurring to the scene in the Hoffman House the night Col. Breckinridge said he might have to go to Europe, Miss Pollard said:

"He told me all sorts of unusual lies, for which there was no reason, and when I found out that what he told me was untrue,



he denied that the stories were false. \* \* \* I always half believed what he said, because he had such a persuasive way and a power over me. I told him that if he broke his promise to marry me I would kill him and myself, and I said: 'I have the pistol which I took out of your traveling bag in your bureau drawer. Now, tell me,' said I, 'are you going to keep your solemn pledge to marry me, or are you not?'

#### REPEATED PROMISES OF MARRIAGE.

Miss Pollard's voice rose and rose as she pronounced these words, and her accusations rang out clear and strong. She looked straight at the defendant, who sat apparently unmoved, while men in the Court-room were visibly affected by the excitement of the scene.

"He replied to me," continued Miss Pollard, "I am going to marry you, Madeline, and it has never been in my mind or heart to marry any one else, and I intend to do so the last of May.' I said, 'What day of the month?' He said it would be on the last of the month. 'What time, Willie?' I asked. 'On the 31st of May I will marry you,' and I believed him. While he was in the room I never put my fingers on his pistol at all. He took the revolver out of the drawer and put it in his trousers' pocket.'"

Major Butterworth tried to interrupt Miss Pollard, but Colonel Breckinridge remarked softly: "Butterworth, Butterworth, don't stop her," and she was allowed to go on. If Colonel Breckinridge was pleased with what she said, so was Miss Pollard's attorneys, for Judge Wilson nodded approvingly, and Mr. Carlisle smiled.

Miss Pollard kept up her story in a flow of rapid, feeling words. "He sent me a letter from the Hoffman House, in which he spoke of his promise to marry me, and in which there was not the slightest occasion to lie."

"Have you that letter?" Major Butterworth managed to get in.

"No, he took it away from me with the vilest possible story," she answered.

Miss Pollard gave more details of her visit to New York and her return.

"On Tuesday he lunched with me at Mrs. Tomas's. I think his face showed that day more of genuine penitence than I ever had seen before or since—to this day—and I really think he had a conscience that day."

#### A SOLEMN MOMENT.

Miss Pollard's voice dropped to a tender chord as she said this, and the Court-room became absolutely still. Then somebody laughed and broke the spell. "He was a married man then?" asked Major Butterworth.

"Yes, and very much so now," said Miss Pollard, scornfully, and there was another laugh.

"Didn't Colonel Breckinridge offer to send you to Berlin and give you \$1,000 and to give you \$125 a month besides?"

"Indeed he did not. Indeed he did not."

There was no doubting the emphasis.

"Didn't he say he would let you study wherever you wanted to?"

"Indeed he did not."

"Didn't he tell you that it was in your power to ruin him?"

"I could have ruined him, of course, and I am glad you have mentioned it. I did not use that power and I absolutely sacrificed my life to shield his—his crime and mine."

"What did you expect him to do when his first wife lived?"

"I did not expect anything then; I only know I loved him."

"Now, Miss Pollard, didn't you use that power to continue the relations between you, to prevent him from doing what he proposed to do for you in pursuing your studies and enabling you to achieve success in whatever line your talents might fit you?"

"There was no such talk on Mr. Breckinridge's part. I never made a threat to him until the time he could have kept his promise to me and had violated his promise to marry me."

"Whenever you told him to come to you he came, did he not, during those nine years?"

"Yes," with feeling.

"Whenever he told me to come to him I went to him, and whenever I told him to come to me he came in the same way." This was said in a way fully expressing the "hatred of a woman scorned."

"How long did your friendly relations with Colonel Breckinridge continue?" asked Major Butterworth.

Then occurred the most pathetic feature of the day.

"The last day was on the evening of May 17th," continued Miss Pollard, "in every way that he could he made me believe him. He talked of our unborn child and how we should name it. This was on the 17th of May, after the alleged secret marriage with Mrs. Wing.—"

"You were willing then"—interrupted Mr. Butterworth—"to continue these relations because Mr. Breckinridge wanted you to?"

#### SHE WAS MORE THAN WILLING.

"I was more than willing," the witness exclaimed, passionately. "I did as he said. I gave my babies away because he asked me. He said that if I kept them it would be traced to him and they would be known as his children. A woman can't do more than that—can't do more than that," with a voice trembling with feeling. "I saw my last child laid in the grave because it needed a mother's care and because I could not give it."

The spectators saw a woman's head go down on her hands, and there were tears in many eyes as she wept for her little ones.

"What," Major Butterworth started to say, and then, "I beg your pardon."

Miss Pollard's voice had dropped from a tone of intense accusation to a long-drawn sob, and she wept like one whose very heart was breaking.

"It was then just 3 o'clock. Major Butterworth whispered something to Mr. Carlisle, whereupon Mr. Carlisle rising asked for an adjournment. Judge Bradley thereupon adjourned Court.

## TENTH DAY OF TRIAL.

*Miss Pollard's Strong Testimony Sufficient, and Her Counsel Waive Further Examination—The Defense now Start in with their Hard Work—Colonel Breckinridge Claims She Led Him On, and Extorted a Marriage Promise—Mr. Shelby States that His Client will Offer Testimony, which will Place the Plaintiff in the Position of Being the Betrayer.*

Two important stages were passed in the Pollard-Breckinridge suit for breach of promise—the resting of the case for the prosecution and the opening statement of Colonel Shelby outlining the policy of the defense. Miss Pollard was upon the witness stand but a few minutes in the morning before Major Butterworth announced that he was finished. The brief cross-examination was devoid of incident. Miss Pollard told her questioner that she was worn out and very tired, and unable to remember plainly certain details in connection with her use of the name of Breckinridge, except that it was discussed at the time between herself and the defendant, and adopted at his suggestion and with his consent.

It was 10:30 o'clock when Mr. Carlisle arose and stated that the plaintiff rested her case at this point, a little over nine trial days since the proceedings were instituted.

Every spectator in the court-room was on the tiptoe of expectation to hear what the lawyer would have to say who should be assigned to break the first lance for the defense. It was rumored that Major Butterworth might be the first to speak, but he arose to say that the counsel would like a few moments to confer, and upon permission being given, Colonel Breckinridge and all his defenders filed out. Almost half an hour elapsed before their return, and it was 11 o'clock when Colonel Shelby began in his quiet manner to address the jury.

The speaker is a man of medium stature without the bearing of an orator. He is not possessed of that eloquence which many of his hearers, mindful of the fame of Kentucky's sons, were led,



perhaps, to expect. He looked earnestly but leisurely through his gold-rimmed eye-glasses, and spoke in a calm unimpassioned style. He gave a plain statement, in easy language, of the case as he was authorized to present it, and asked that the jury give the facts to be offered in evidence fair and impartial consideration, remembering that he only wished the truth to be received. He was unfolding the secret which for two weeks every man in the court-room was trying to fathom, and from the first word to the last he was listened to with closest attention.

#### NEVER MEANT TO MARRY MADELINE.

His argument was, in brief, that the defendant has never promised in good faith to marry the plaintiff, that for many years her extortions have made his life an intolerable burden, of which the breach of promise suit is the revengeful and desperate culmination. He denied absolutely and in the strongest language many of Miss Pollard's statements upon the witness stand, and assured the jury that testimony would be introduced to show that they were not true wholly or in part.

The defense, it was said, would also claim that Miss Pollard made three attempts to kill Colonel Breckinridge, and would establish that he did not maintain illicit relations with her after the time he became engaged to Mrs. Wing, and certainly not after his marriage.

Probably the most important point in his statement was the explanation of the promise as reiterated before Mrs. Blackburn and Major Moore. He said that Colonel Breckinridge had long desired that Miss Pollard should pass out of his life and that she should choose for herself some honorable calling without the shadow upon her history ever becoming known. He asserted that after many difficulties an agreement had been made for her to study in New York. She had told Mrs. Blackburn of her engagement to him, and to pacify her and to conceal the shame he had affirmed the statement. Mr. Shelby assured the jury that it was almost incredible that the defendant did not appreciate the danger of this, but as a fact in a moment of weakness he pretended to assume a relation which did not exist, and which he

knew did not exist. She had violated again the arrangement for her departure to New York on the occasion of the visit to Major Moore, and Colonel Breckinridge was about to tell the whole story, when he was dissuaded by her tears and protestations. She was attempting to force him into a marriage.

CLAIMS SHE WAS THE BETRAYER.

Colonel Shelby went over the personal relations between the two parties to the suit from their inception, maintaining that he had never seduced her or participated in any way with her attendance at Sayre Institute or with her coming to Washington. The statement occupied the remainder of the forenoon session and a part of that in the afternoon, little over two hours in all. He closed with comments upon the character of the plaintiff, saying that she had placed it in issue not alone by implication, but expressly. On this account they were prepared to prove that she had been seen at assignation houses before she met Colonel Breckinridge.

Judge Wilson interrupted Colonel Shelby several times in the course of his remarks to remind him that he was transgressing and entering into an argument of the case rather than a statement of the proof which his client was about to offer. Colonel Shelby took shelter gracefully each time behind his ignorance of the practice in the court of Washington and ventured modest statements in support of his method.

It was announced in the course of his statement that several depositions would be read, including those of Alexander Julian, with whom a mock marriage is said to have been performed, Mr. Rosell, Dr. Williams, and others.

Mr. Stoll began the reading of the depositions immediately after Colonel Shelby had concluded, but Judge Wilson quickly interposed and demanded to know what he was reading, for he said he did not know but that there might be some objection.

Mr. Stoll said that he was going to read the deposition of Sister Agnes Regina Brown, from the foundling asylum, whereupon Judge Wilson took his seat around at the end of the table, with a pencil and a note book in his hand, where he watched for the

words of the reader with a fox-like sharpness. No striking points apparently were brought out by this deposition, which occurred all the time till adjournment at 3:15 o'clock.

It was stated at the close of the session that there remain four or five depositions to be read to-day, after which Colonel Breckinridge will probably take the stand. He will probably be called this afternoon.

#### THE CONTRACT WITH RODES.

The court had been called to order yesterday morning when Colonel Breckinridge and his son Desha entered. The defendant was not as smiling and debonnair as he has been, and his features had a trace of gravity strange to them. Major Butterworth and Mr. Stoll were tardy and business was suspended until they arrived.

At a word from Mr. Carlisle Miss Pollard took the stand. She was cool but not so strong looking as on Tuesday morning when she began the ordeal that ended with a series of sensational scenes. Major Butterworth, Mr. Stoll and Major Shelby had a conference for a few minutes, the result of which was that Major Butterworth's first question was whether Miss Pollard had the contract with Rodes by which it was agreed to pay for her education on condition that she should marry him or pay him back.

"No, I haven't; I gave it to Mr. Rodes."

"The contract was settled, then?" asked Mr. Butterworth.

"Oh, no sir, it was never settled. Mr. Rodes did not pay nearly so much money for me as he said he would pay, but what he did pay, about \$2,500, I was never able to pay back."

"Did you pay him any of it?"

"No sir; I never did have any money to pay anybody anything," said Miss Pollard in a voice of plaintive dejection.

The meekness of the witness vanished with the next question, and she showed some of her old-time vivacity in the answer.

"Mrs. Logan (formerly Dr. Mary Street), of Cincinnati, did not recognize you when her deposition was taken, did she, Miss Pollard?" was the question.

"Not when I was introduced to her," said Miss Pollard, "but she would have done so if she had had an opportunity on the

redirect examination, and she certainly was ready to say that the picture of Colonel Breckinridge was the picture of the man who called to see me in 1885 at her house and"—

"Hold on, Miss Pollard," cried Major Butterworth and Judge Wilson at once. "You must not tell anything but what I ask you," Major Butterworth added.

"I truly beg your pardon, Mr. Butterworth," said the witness, "but my mind is so full of things I want to tell you that I can't help breaking in."

"I want to be perfectly fair with you, Miss Pollard."

"I appreciate that, Mr. Butterworth, and I truly thank you."

"BRECKINRIDGE" IN HER NAME.

Major Butterworth asked a few unimportant questions about Miss Pollard's visit to Mrs. Logan's house, and then reverted to a question asked the other day—whether Miss Pollard had any corrections to make in the newspaper publication of her statement to her counsel, but both Judge Wilson and Mr. Carisle objected on the ground that the matter had been gone over before, and Judge Bradley sustained them. Then Major Butterworth wanted to know what were the facts about her adoption of the name of "Breckinridge."

"I told you all about that in the statement you just mentioned."

"This statement is not true."

"But it is true—although there are some other things about it that I can explain."

"Well how was it?"

"Mr. Breckinridge told me to adopt the name. We talked it over together while I was at the convent here in the summer of 1888, and I had the cards engraved as he suggested—Madeline Breckinridge Pollard."

"But you used the initials 'M. V. B. P.' in writing to Rodes?"

"I told you about that"—meaning that the girls at the college gave her that name after her meeting with Colonel Breckinridge.

A few more insignificant questions were asked—one about an accident to Miss Pollard in 1887, and then Major Butterworth created surprise by saying abruptly :



"That's all, Miss Pollard."

Miss Pollard looked astonished. She started to leave the stand, but was called back by Mr. Carlisle. He did not ask her any questions, however, but caused another surprise by saying :

"If you please, your honor, the plaintiff rests her case here."

The sentence was hardly ended before Miss Pollard and Miss Ellis had disappeared through the jurors' door.

Major Butterworth asked for a few minutes to confer, and he, Colonel Breckinridge, Major Shelby, Mr. Stoll and Colonel Thompson filed out of the courtroom.

#### THE DEFENSE'S STATEMENT.

The conference lasted over twenty minutes, and when the defendant and his attorney returned Maj. Shelby, Col. Breckinridge's law partner, began the opening statement of the defense to the jury, which had been reserved when the trial opened.

"While this case technically rests," said Maj. Shelby, "on the charge of breach of promise of marriage, other considerations enter into it and affect it strongly. Then he told of the complaint and the defendant's answer and said :

"I am authorized by the defendant to say, and it will be supported by his testimony on the witness stand under solemn oath, that he did not seduce her, and that he never knew, until it was testified to by Dr. Parsons on the stand, that any living child had been born to her ; and, furthermore, that the plaintiff never did have any idea that the defendant would marry her ; that he ever intended to make or carry out such a contract with her. The defendant does not desire to condone any offense of which he may be guilty, but he does wish to be judged by the facts, and not through other things."

Maj. Shelby then told what he said was a true story of the meeting between Miss Pollard and Colonel Breckinridge. The defendant saw Miss Pollard on a train when he was looking for his overcoat preparatory to leaving. "Good morning, Colonel Breckinridge," she said. Col. Breckinridge supposed it was some person he had met, but he could not place her, so he said : "I suppose I ought to know you, but I do not." Then she intro-

duced herself, saying that her father was a great admirer of John C. Breckinridge, and had put "Breckinridge" in her name. After a few more words they separated.

"Several months later, in 1884, the defendant," said Maj. Shelby, "received a letter from the plaintiff asking him to come to Cincinnati and assist her by his advice, and we propose to show by this letter—a second letter—in which she urged him to come to the Wesleyan College to see her——"

"Hold on," said Judge Wilson, "don't read that letter."

"I won't read it," said Maj. Shelby. Then he went on to sketch the other points in the defense. In this second letter, he said, Miss Pollard had told him the nature of her business with him in reply to one from him saying he could not come at that time. But about ten days later he had business in Covington with Gov. Stevenson, and while there he thought of the request of this young girl, and decided to go to Wesleyan College, and did go over to Cincinnati for that purpose on August 1, 1884.

#### AS TO MISS POLLARD'S AGE.

Maj. Shelby then referred to Miss Pollard's age at the time Colonel Breckinridge met her, and he claimed that she was then not seventeen, but between twenty and twenty-one years old, and he said he would show the jury by the testimony of Dr. Williams that when her sister was born, in 1866, the plaintiff was a little girl running about the house. She was born, he said, in 1863, instead of 1866.

Maj. Shelby told of the first conversation between Miss Pollard and Colonel Breckinridge about the Rodes case, and he contended that Miss Pollard admitted that she had submitted her person to Mr. Rodes. Colonel Breckinridge advised carrying out the arrangement with Rodes, and in the course of the conversation she, not he, suggested that they go out in a closed carriage that night, and he consented.

"I am authorized to state," said Maj. Shelby, "that there was no such remark by the defendant about a weak throat, which caused him to bring a closed carriage, nor about a headache, which compelled him to forego the concert, and suggested that

they ride instead. It was she who suggested that they ride instead of going to the concert, and during the course of that ride illicit arrangements were established between them without objections but with willingness on her part. They did not drive until 12 o'clock that night, but were back at the college at 10 o'clock. There was no meeting at the public library next day to arrange the Rodes case; no arrangement for going to Lexington; no bogus telegram sent by the defendant as an excuse for her request that she be allowed to go home.

"When he took the train," continued Maj. Shelby, "he found the plaintiff on it. They traveled to Lexington together, and she, not he, suggested that he take her to the assignation house of Sarah Gess. He was surprised that she knew about such a place, and she said she knew where it was located. They stayed there from Saturday until the following Monday, when she returned to Cincinnati, their arrangement having been completed."

#### WHAT HE DID NOT KNOW.

Major Shelby said he was also authorized to state that there was no suggestion made by the defendant that the plaintiff go to Lexington, but that she went there and entered Sayre Institute without his knowledge, and he did not even know that she was in Lexington until he met her one day on the street. The illicit relations were continued for several months thereafter. The defendant had never visited her at Miss Hoyt's her boarding place; but every meeting was at the house of Sarah Gess. The defendant did not know when she went to Cincinnati, in February, 1885, to give birth to a child; he did not know she was in Cincinnati, he did not try to trace her up; and "I am authorized to deny absolutely," counsel continued, "and we will show that there was no such arrangements made by the defendant to conceal the plaintiff's condition or that he knew anything about her being in the city of Cincinnati."

Major Shelby said the defense was ready to show, and would show, that the claim of the plaintiff that she gave birth to a child at the Norwood Foundling Asylum, in 1885, was false.

The attempt of Miss Pollard to have herself identified as Mrs. Bergwynn, or Mrs. Burgoyne, who had been delivered of a child at St. Joseph's Fouldling Asylum, had failed absolutely, said Major Shelby, and it would be shown that there was not the shadow of a foundation for her claim.

Miss Pollard, he continued, returned to Lexington in the fall of 1885, and there fell in with the defendant again. He had just been elected to Congress, and was arranging with the speaker (Major Shelby) to take charge of all of his law business. Just before he came to Washington he received a note from the plaintiff asking him to come and see her, and as a consequence their relations were resumed in a measure.

Major Shelby claimed that during the visits of Colonel Breckinridge to Lexington during his first term in Congress, he had nothing to do with the plaintiff. After the session ended on March 4, 1887, he returned to Lexington, and his family being away and not liking hotel life, he took board at Miss Hoyt's, where the plaintiff was stopping, but there was no suggestion that their relations be resumed, and it was not until after she had a horse-back accident in 1887, that there was a resumption, and then only after she had been to his office several times to see him.

#### AGAINST HIS ADVICE.

That the defendant was responsible for Miss Pollard's coming to Washington, Major Shelby denied, and said that on the contrary the defendant advised her not to come. She told him that she had talked to Senator Beck and the Senator had advised her to come and get a position. "I do not suggest even that there was anything wrong between Senator Beck and herself, of course," said Major Shelby.

Major Shelby asked the jury to carefully consider the statement he had made that the defendant and the plaintiff had maintained no relations for eighteen months prior to February, 1888, when she claimed she had given birth to a child. Major Shelby claimed that during Miss Pollard's residence in Washington she frequently came to Colonel Breckinridge for assistance, and that in her statement that she had been pregnant by him and had



suffered a miscarriage, he acceded to her demands. Major Shelby did not condone or excuse the fault of the defendant, but said that many men had done the same thing and been forgiven. The plaintiff had it in her power to do him injury; she knew she had him more or less in her power—and she used that in getting money from him and in continuing their relations.

Then Major Shelby went on to tell of the continuance of the relations between Miss Pollard and his client until the winter of 1890-91, when, he contended, Miss Pollard, through her power over him, tried to make him introduce her into the houses of people she wanted to know and to give her money which he could ill afford to give. He did not introduce her to private houses. She made his life a burden for him, and he tried to get her to go away, to take advantage of opportunities for the development of her talents, and he offered to pay her expenses for such education, as little as he could afford to do so.

This state of affairs continued until Mrs. Breckinridge died in 1892. The plaintiff in the fall of that year met the defendant while he was on a business trip in New York and proposed to him that she would go abroad to Berlin with Mrs. Willard and stay two years at Mrs. Willard's school on condition that she went as his affianced wife. This proposition Breckinridge refused. He would not listen to anything concerning marriage, but through consideration for his family in the event of a scandal, he proposed that she go abroad and that he would allow her \$125 a month, which no man in Washington could less afford to do at that time than Colonel Breckinridge. This offer, said Major Shelby, was refused by the plaintiff because she could not go with his permission to tell Mrs. Willard that she was Colonel Breckinridge's affianced wife. After this time the improper relations were resumed.

#### THE ALLEGED ENGAGEMENT.

Major Shelby then told of what he contended were the circumstances in the case last spring when the alleged engagement existed. He had previously denied Miss Pollard's statement that Colonel Breckinridge had asked her to be his wife in August,

1892. Miss Pollard meanwhile had become acquainted with Mrs. Blackburn, Gov. Blackburn's widow; had been to her house, and had assisted at one of her receptions. Mrs. Blackburn began to suspect something about the relations between Colonel Breckinridge and Miss Pollard and had asked Miss Pollard about it. Miss Pollard told Colonel Breckinridge that when Mrs. Blackburn had questioned her about the matter she had herself told Mrs. Blackburn that she and Colonel Breckinridge were engaged. The defendant was angry and said he would go to Mrs. Blackburn and make a frank avowal of the illicit relations between them and deny the engagement.

"The plaintiff begged him not to expose her," said Major Shelby. "She begged him to give her another chance." He finally suggested as a way out of the difficulty that she should go to New York or somewhere and gradually drop out of his life, he paying her expenses, and that in time what she had told Mrs. Blackburn would be forgotten. There was nothing done about what Mrs. Blackburn had been told; he dallied with the matter.

Then Miss Pollard told him that Mrs. Blackburn wanted to see him, and he went to see her. He told her that Miss Pollard was a foolish girl, given to make foolish statements and to doing foolish things. Soon after that Miss Pollard tried to shoot him in Mrs. Thomas' house, but being stronger he disarmed her.

Concerning the visit to Mrs. Blackburn in which the defendant acknowledged that he was engaged to Miss Pollard, Mr. Shelby said the plaintiff had induced him, by that influence which such women have over men, to fall into her plan and to go to Mrs. Blackburn and acknowledge that they were engaged. She held a terrorizing influence over him. She had once attempted to kill him, but, worse than that, she had it in her power to ruin him completely by an exposition of their relations, and, like many another good man, he was weak enough to fall into the trap.

#### HIS MARRIAGE TO MRS. WING.

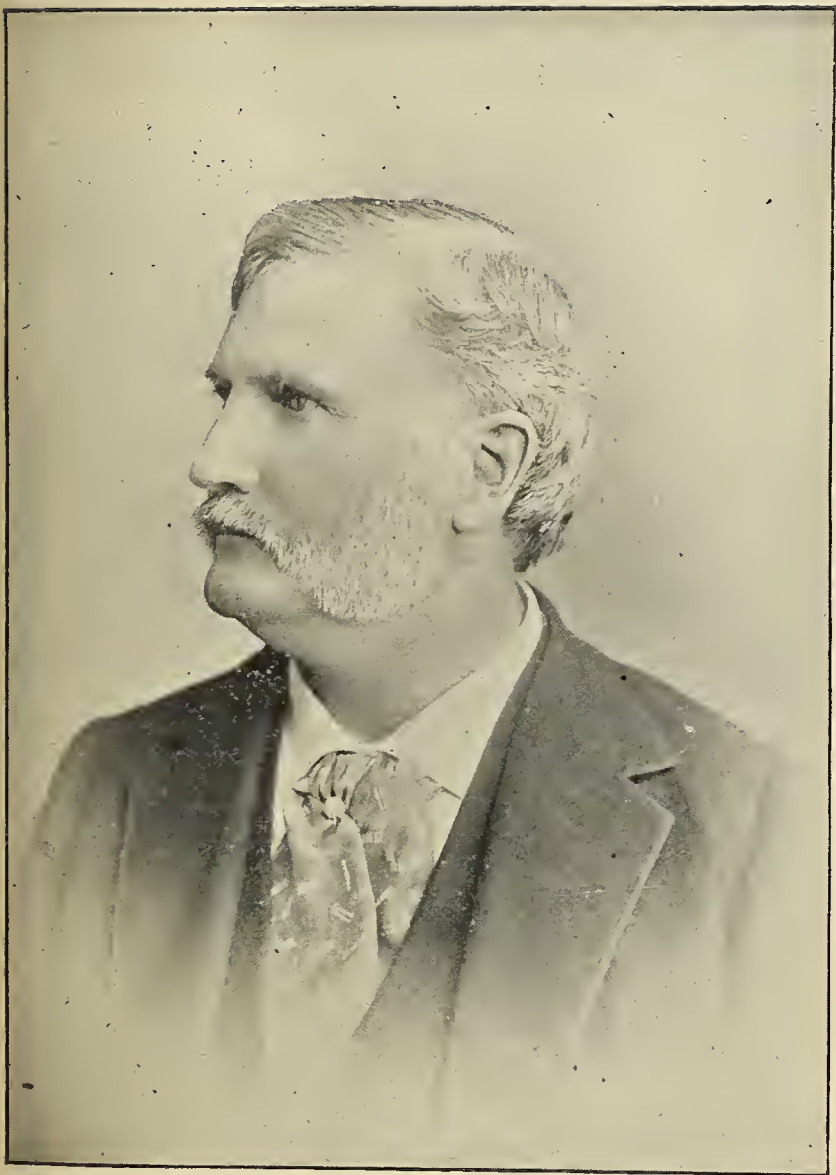
Between March 31st, when Miss Pollard and Colonel Breckinridge called on Mrs. Blackburn together, and April 12, 1893, when Colonel Breckinridge went to Kentucky, he saw Mrs.

Blackburn twice on private business, and not in connection with Miss Pollard. He remained away until April 27, and during that time Colonel Breckinridge became engaged to his cousin, Mrs. Wing, for whom he had an admiration and an affection and whom he had known for many years. "And I want to say here," said Major Shelby, "that the intimation that Colonel Breckinridge sustained improper relations with the plaintiff after the time he became engaged to Mrs. Wing is absolutely false and is a piece of barbarity that should not be introduced here. It is an unnecessary, a wanton attack on a pure and defenseless lady."

Major Shelby told the reasons that induced Colonel Breckinridge to marry Mrs. Wing on April 29th, the date of the secret marriage in New York. She was going East; he was going West; these were the reasons that induced them to wish to consummate their engagement in marriage at this time. She had been ill and he wished to make her nearer to him before they parted. It was a mistake to keep it secret, but Colonel Breckinridge wanted his wife to gain the affections of his children before they knew he had married her. They were married then by Dr. Paxton, and the fact of the marriage was communicated to three intimate friends of Mrs. Wing.

Here recess was ordered until 1 : 15 o'clock.

Resuming his argument after recess, Major Shelby denied that Colonel Breckinridge, when he paid Dr. Parsons for attending Miss Pollard, knew that the plaintiff had been delivered of a child, but had supposed there was a miscarriage. The plaintiff, he said, was in the habit of annoying Colonel Breckinridge in various ways, coming to his rooms when he was there and when he was not there. She looked over his private papers and looked into private receptacles and took things away that did not belong to her. As to the little basket owned by the late Mrs. Breckinridge, which Miss Pollard testified Colonel Breckinridge had given her, Major Shelby said that basket was taken from his rooms, and he had not seen it, nor did he know what had become of it until it was produced in court.



HON. BENJ. BUTTERWORTH.

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## EPISODES IN NEW YORK.

As to the visit to New York, during which Colonel Breckinridge was married, Major Shelby said that Colonel Breckinridge on the Monday two days after his marriage went to the Hoffman House, where he had registered, to get some clothes. He found on arriving there that Miss Pollard had registered at the hotel as his daughter, and had secured a room communicating with his. When he entered his room the plaintiff advanced from the adjoining room with a pistol in her hand, pointed at him, and attempted to shoot him. He saved his life by shutting the door quickly, and Miss Pollard threatened to shoot through the door. Colonel Breckinridge asked her to lay the pistol down in the entry and go back into her room, or he would have her arrested. He heard her lay the pistol down, and he said he would ring for a bell boy to get it. She went back into her room, and he then opened the door and secured the pistol. Major Shelby said he would show that this was the same pistol with which Miss Pollard threatened his life in Washington.

After telling how penitent Miss Pollard was and her willingness to agree to his proposition to go out of his life, and about a conversation with Mrs. Blackburn in New York about Miss Pollard, Major Shelby gave defendant's version of the incident told Tuesday on the stand by Miss Pollard—how she had gone to the house of Mrs. Wing to see Colonel Breckinridge, and that Colonel and Mrs. Breckinridge had attempted to hide from her behind some curtains, when she said, "Willie, come out of that—come with me."

Major Shelby said Miss Pollard forced herself into Mrs. Wing's house and demanded that Colonel Breckinridge come with her to attend to some important business. Major Shelby admitted that Colonel Breckinridge obeyed. He referred to the visit to the chief of police and to the alleged attempt Miss Pollard made on the defendant's life at the house of Mrs. Thomas when Colonel Breckinridge took the pistol from the frenzied young woman. Major Shelby acknowledged that Colonel Breckinridge went to Mr. Lincoln's and asked him to do what he could to make Miss

Pollard comfortable. He tried to do what he could for her comfort, under her claim that she was pregnant by him, and if she had a child, he intended to provide for that child. She went to New York, in accordance with her promise to go out of his life, under the arrangement proposed, but she came back to Washington, and it was at this time that Colonel Breckinridge wrote the letters about sending her to a sanitarium or to some place where she might be comfortable for the summer. It was at this time that the desperate woman, said Major Shelby, took further means to force him to marry her by causing the publication of an announcement of their engagement.

"Now, gentlemen of the jury, I have shown you the relations of this plaintiff and this defendant, without attempting to excuse or condone," said Major Shelby, "and I have been frank, and we will be frank in all we have to do here and on the stand. We wish to conceal nothing, and will not do so."

#### THE PLAINTIFF'S CHARACTER.

There was another aspect of this case, said Major Shelby. No matter what sort of action this plaintiff had instituted, the question of the plaintiff's moral character should be taken into consideration. She claimed she had never been intimate with any one but the defendant, but it would be shown that such was not the case. He sketched various events that would be testified to. The plaintiff had denied that she went through the form of a mock marriage with Aleck Julian, and that she had ever wanted to go to Chicago with Mr. Rosell. Depositions from these persons would be introduced to show the contrary. It would also be shown that she had visited assignation houses with other persons than the defendant, and that she maintained some sort of intimate relations with Mr. Rodes, Mr. Rosell and Prof. Obermeyer. It would be shown that she was not a young, innocent school girl of seventeen, but an experienced woman of twenty or twenty-two.

Continuing, Major Shelby said this action had not been brought for any other reason but the plaintiff's announced purpose of breaking down this man, of destroying his character and influ-

ence, and of disgracing his family, and all because she had failed to force him into compliance with her scheme to make him marry her.

Major Shelby maintained that mere words did not constitute a contract when the parties to it knew there was no compliance with that contract, and this he claimed to be the case concerning Colonel Breckinridge and Miss Pollard. There was, in point of fact, no contract of marriage between them, but merely a semblance of an engagement, so that Miss Pollard could go away and in time allow Mrs. Blackburn to have diverted her suspicions concerning the plaintiff and the defendant. On this state of facts, said Major Shelby, the defendant submitted his case.

There was a buzz when Major Shelby sat down, and then, after a consultation, Mr. Stoll, for the defense, offered as the first evidence, the deposition of Sister Agnes Regina Brown, of St. Joseph's Foundling Asylum, at Norwood, near Cincinnati.

#### SISTER AGNES' DEPOSITION.

Sister Agnes deposed that during April, May and June, 1885, when Miss Pollard claims she was there, there were no patients whom she did not know, and that none of the patients wore veils all the time, as Miss Pollard testified that she did. There was one woman there, she said, who veiled herself while in confinement, to keep from being recognized by the doctor, but she was there in 1884. Sister Agnes deposed that Miss Pollard came to the asylum last year with Mr. Carlisle and Mr. Johnson, her attorneys, to get evidence. Sister Agnes did not identify Miss Pollard, nor did Miss Pollard recognize her, nor could she tell the name of the superior at the time she claims to have been there (Sister Cecilia), nor describe her appearance. "Miss Pollard said: 'Perhaps you do not know me because I have changed my hair and my dress,' and I said: 'I have not changed my dress nor my hair, and you do not know me.' I asked her what was the name she went under at the asylum, and she said, 'Louise Wilson.' Then I said, 'There was no Louise Wilson there at the time.' 'Well,' she said, 'I went under so many names that I cannot remember them all.' Then I asked if Miss Burgoyne



was one of her names, and she said, 'Oh, yes, that's the name,' and clasped her hands over her breast."

Continuing, sister Agnes said she went to look at the books to see when Miss Burgoyne was there, and Miss Pollard wanted to go with her, but the sister would not consent. "The records showed that Miss Burgoyne's baby had been born on May 29, 1885. 'Yes,' she said, 'that is the date.' She asked what became of the baby, and I said it died in July following, and then she took on hysterics and ran out into the hall."

Sister Agnes told of further questions asked Miss Pollard about incidents in the asylum in 1885, and Miss Pollard could not give very good descriptions. Finally, Miss Pollard was told by the sister: "You were never in this house at all. Miss Pollard had told the sister that she had given some volumes of Washington Irving's works to the library.

#### WASHINGTON IRVING'S WORKS.

They went to the library and found three volumes of Washington Irving's there. Miss Pollard said there was a fourth volume, and that she had left a Christmas card in one of the volumes. Mr. Carlisle said, "Oh, here is the fourth volume," and Miss Pollard said, "Oh, here it is!" and produced a Christmas card.

There was much in this part of Sister Agnes' testimony, brought out by Mr. Stoll when he took her deposition, intended to connect Mr. Carlisle, Mr. Johnson and Miss Pollard with having placed the card in the book while they were in the library. She said the card did not look like it had been in a book for nine years.

Sister Agnes then described what Miss Pollard termed "a little lecture" Sister Agnes had delivered to the plaintiff. Miss Pollard, said Sister Agnes, said she did not expect to get money from Colonel Breckinridge because he had none, but she did expect to disgrace him. Sister Agnes then said: "When this is over he will still be Mr. Breckinridge and will hold up his head among his friends, while you will be disgraced forever." Sh

said: "Yes, but he will not address any more young ladies' seminaries, nor open any more prayer meetings."

Sister Agnes also testified that Sister Augustine did not recognize Miss Pollard as having been at the asylum. Miss Pollard said she was in mourning while at the asylum; Sister Agnes said Miss Burgoyne wore a long, light cloak. "Then Mr. Carlisle said," testified Sister Agnes, "I think you said something to me about wearing a camel's hair coat," but Miss Pollard did not answer.

Sister Agnes said Mr. Obermeyer also visited her about Miss Pollard. She believed he was an attorney in Cincinnati. He came to find out for Miss Pollard's attorneys, he said, about Louise Wilson who had given birth to a baby there, and had confessed at last that he could find nothing about Miss Pollard.

Mr. Stoll secured from Sister Agnes the letter of introduction brought by Mr. Carlisle when he came with Miss Pollard, and had it placed in evidence. This letter was read. It was from the archbishop of Cincinnati, obtained through Bishop Keane, of the Catholic University.

#### UNLIKE MISS BURGOYNE.

Continuing, Sister Agnes said she had never laid eyes on Miss Pollard until she came to the asylum December 28, 1893. Miss Burgoyne was not nearly so tall as Miss Pollard—"Oh, no," she added, "they were not the same. I think I would know Miss Burgoyne if I could see her." Miss Burgoyne, said the sister, was from Ohio. Miss Pollard told the sister that when she was there, there was a grating to the door leading to the office of the asylum, and the sister replied that she had never seen it. Miss Pollard told the deponent that a simple-minded woman at the asylum had brought a lamp with a clock in it to her room to amuse her when she was confined. Sister Agnes had called in Eliza, a simple-minded girl, who worked in the asylum, but Eliza did not recognize Miss Pollard. Sister Agnes was examined further as to the finding of the Christmas card and said Miss Pollard also held a veil in her hand when she produced the card, and said, Oh, here is my little invisible veil that I left here."

Mr. Carlisle read the cross-examination of Sister Agnes made by Mr. Guy Mallon.

There was nothing additional of importance brought out in the cross-examination except the matter of the rose. Mr. Stoll read the re-direct examination. Miss Pollard had told of some girl, a waiter at the institution, who died during her alleged confinement there, and Sister Agnes said a girl did die at the institution during that time, but that she was a full-paying patient, and not a servant.

This concluded the deposition, and the court adjourned.

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### ELEVENTH DAY OF TRIAL.

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*Behind the Locked Doors of His Private Office Judge Bradley Hears the Quarrel of Attorneys over Disputed Depositions—A Day of Secrecy in the Notorious Breach of Promise Suit—Even Representatives of the Press were Barred—Attempt of Defense to drag in the Name of Dead Senator Beck, of Kentucky—A Warning from the Dead Senator's Friends not to do so—Plaintiff Objects to Depositions of Alexander Julian, Miss Pollard's Alleged "Blind Barnabas," W. W. Rosell, to whom Miss Pollard was Engaged to be Married in 1884, and Dr. Lewis, of Lexington.*

Shall the memory of the dead be tarnished by testimony for the defense in the Breckinridge-Pollard case?

The lawyers for the white-haired and silver-tongued Kentuckian want to put in evidence certain testimony which will reflect harshly on the character of Colonel A. M. Swope, as well as on the character of Madeline Pollard.

To this not only the plaintiff's lawyers object, but the family and friends of Colonel Swope have shown indignation. The

name of the late Senator Beck was also mentioned in a deposition which is in dispute, and intimations have been made that the defense had best confine its testimony to the living, and not seek to cast reflections upon men who are defenseless in their graves.

There was no open session of Judge Bradley's Court to-day, as was expected. The lawyers on both sides were invited to discuss the admissibility of certain depositions before Justice Bradley in his private office. The jury, the press and public were all excluded, and the attorneys had a long and interesting legal fight over the testimony which the

#### PLAINTIFF SEEKS TO SUPPRESS.

There are understood to be three depositions to which Miss Pollard's attorneys make their principal objections, the point involved being the relevancy of testimony bearing upon Miss Pollard's character. One of these depositions was made by Alexander Julian, the young blind man to whom Miss Pollard alluded in her letter to Wessie Brown as her "blind Barnabas." He asserts in the affidavit taken in Kentucky that a mock marriage was performed between Miss Pollard and himself at Squire Tinsley's, in Bridgeport, on Christmas Day, 1893; that after drinking eggnog freely he suggested that married couples usually went to bed, and that thereupon the two went upstairs and got into bed together.

Miss Pollard testified on cross-examination that her uncle accompanied her to Squire Tinsley's on that day, and denied the incident of the mock marriage.

The second deposition was made by W. W. Roselle, to whom Miss Pollard was engaged to be married in 1884, when she was a student at Wesleyan Seminary, and at which time she was intimate with Colonel Breckinridge. Roselle has deposed that he took liberties with Miss Pollard in the library of Wesleyan Seminary, and that when he left that town for Chicago Miss Pollard begged him to take her with him. When asked about this matter on cross-examination Miss Pollard denied that Roselle had done more than kiss her, and denied that she had asked him to take her to Chicago. In one of the most characteristically



spicy dialogues between herself and Attorney Butterworth she attributed Roselle's motive in opposing her to the fact that he is a candidate for the position of Collector of Internal Revenue in

REPRESENTATIVE BRECKINRIDGE'S DISTRICT.

The other deposition to which the plaintiff is particularly opposed was made by Dr. Lewis, of Lexington, who affirms that Colonel Swope once approached him with a request that he perform a criminal operation on a woman whom he called "Miss Pollard." The doctor did not see the woman, nor could he identify her with the plaintiff, so the objection was made that there is nothing to connect the deposition with the principal in this case.

Colonel Swope was the Republican candidate for Congress against Colonel Breckinridge in the Lexington District, and was killed in a duel with Cash Goodloe, which resulted fatally to both men. Parts of other depositions are also objected to.

If Justice Bradley should decide in favor of the plaintiff some stress may be laid upon the fact, although his decision will be from a purely legal standpoint. The great case will be in progress again at 10 o'clock Monday morning, and the greatest interest is aroused by the statement that Miss Pollard's lawyers will call several new witnesses to testify in rebuttal and favorably as regards her character.

While no surprises have been prophesied by the defense it is now certain that the crafty lawyers who are working for the plaintiff have some dangerous testimony held in abeyance, and which they will use after Colonel Breckinridge has told his story.

The reason for the secret hearing to-day regarding these depositions is to keep their contents from the jury in the case till the Court decides upon excluding them. Although the jurors have been cautioned not to talk with any one concerning the case, nor to read the newspapers, the Judge probably thinks that the headlines of newspapers would be too much for human curiosity to resist if spread before them Sunday morning, and in the discussion of the affidavits their contents are naturally threshed over.

These underground proceedings are not an innovation in the District Court, as some months ago a precedent was established by Judge Bradley of keeping from the public the details of scandalous divorce suits.

The arguments before Judge Bradley continued for five hours, and he took the questions submitted under consideration to decide them Monday morning, when the Court meets again. Most of the talking was done by Attorneys Johnson and Carlisle, for the plaintiff, and Butterworth and Shelby, for the defendant.

Miss Poillard's counsel surprised the defense by making a sweeping objection to all their depositions, on the ground that they had been taken in an irregular manner. Mr. Johnson made this point, and argued that the mere notice given to opposing counsel that depositions were to be taken at a certain time and place did not constitute sufficient legal authority to give them standing in the case.

This practice has always been followed by the Circuit Court, and before the attorneys had finished their arguments Judge Bradley told them that he did not care to hear more on the question, so that his opinion upon it is evidently fixed.

Beside this ground of contention the depositions mentioned were objected to, and specific objections were made to parts of other depositions. The testimony of Dr. Lewis and of others, who testified that they had seen or heard of a certain Miss Pollard in houses of assignation, brought forth the objection that they did not even prove that the person referred to was the plaintiff in the case.

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#### TWELFTH DAY OF TRIAL.

*A Disgusted Judge—He Rebukes Attorneys for Introducing Unnecessarily Obscene Testimony—Attempt to drag the Name of Another Dead Kentuckian into the Scandal, Defeated by the Decision of Judge Bradley, Excluding the Deposition of Dr. Lewis, of Lexington—How Witness Julian Lost His Eyesight.*

There was great interest to-day to learn the decision of Judge Bradley upon the admissibility of depositions impeaching the

character of Madeline Pollard, which the Breckinridge forces had offered, and to which the plaintiff opposed numerous objections.

Regarding the sweeping denial of the right to take any depositions *de bene esse*, under the act of Congress creating the Court, the Judge said that the Judiciary Act of 1879 conferred the right in broad terms upon any party to any civil act in any court of the United States.

It could not be disputed that this was a Court of the United States, and the fact that the Court had always maintained that right would justify him in continuing to enforce it until a higher Court overruled the practice. There were other grounds upon which he sustained the regularity of the depositions as a whole.

Objection had been made to the deposition of one Brand, because he refused to answer certain questions concerning a woman who had introduced him to Miss Pollard. He said that he did not want to "give away" a married woman, and then persisted that he did not know her name. The Judge said that it appeared that instead of refusing to answer, the man did not know, or was lying. He continued, saying that while the direct examination of the witness had brought out nothing derogatory to the plaintiff, he had refused to answer a question whether he had taken liberties with her while riding. What object he could have had in refusing to answer, if the answer would have injured the plaintiff, the Judge could not see, since from his own testimony he was utterly lacking in moral sense, admitting that although a married man, he was accustomed to visit houses of ill-fame. The Judge overruled this objection, remarking that there was nothing reflecting upon Miss Pollard in the testimony unless it was that she had consented to associate with such a disreputable character as the witness admitted himself to be.

The deposition of one Kaufman was also admitted, but the Judge spoke very sharply of these last two, saying that they were utterly unfit to be read before the Court; that he would gladly exclude them if he could, and expressed the hope that the counsel would see fit to omit the disgracefully obscene matter in them.

He sustained the objections which had been made to the depositions of John O'Toole, Dr. Green and Dr. Lewis, that they were based on heresy. Dr. Lewis is the physician who testified that Colonel Swope, the late Republican candidate for Congress in the Lexington District, had asked him to perform a criminal operation upon a Miss Pollard.

The depositions of a Mrs. Miller and of Rosell, who had been engaged to Miss Pollard while she was in the Wesleyan Institute, were admitted, the Judge commenting that the plaintiff had placed her character and her maturity in a measure in question by that clause of the declaration which averred that she had been seduced by the defendant, and that she was a mere girl when Colonel Breckinridge first met her. Each side filed objections to the rulings against it. Then Judge Bradley made a few remarks, in the interest of public morality, as he said.

"The Court has been deluged with anonymous letters in this case," he began. "It is said that any one who would write an anonymous letter should not expect to have any notice taken of it, and would do almost anything mean. Some of these letters, however, seem to come from females, and to be dictated by good motives.

These preliminaries having been finished, Attorney Stoll proceeded to read the deposition of Joseph C. Bailey, Clerk of the Woodford County Circuit Court at Versailles, Ky. From the records of the Court the Clerk had testified that in 1884 there were indictments for murder against Ollie D. and R. P. Brown, and that Colonel Breckinridge had been one of the defending attorneys. It appeared that the trial was in progress on August 5, the day upon which Miss Pollard had testified that the Colonel took her to the house of Sarah Gess, in Lexington; also on August 12, 13 and 16.

The cross-examination of the Clerk, read by Attorney Farrell, of Lexington, developed the further information that during this trial Colonel Breckinridge had frequently driven over from Lexington, returning at night, and sometimes bringing his wife. He had attended the whole trial of Ollie Brown, although some of the lawyers had not.



One of the Lexington lawyers, Edward M. Wallace, who had been associated with Colonel Breckinridge in the defense of Ollie D. Brown, had deposed that the Colonel was present throughout the trial, arguing the case and examining the witnesses, and his statement was read. Next came the deposition of Judge Roddey Hagart, who had been associated with Colonel Breckinridge as counsel for the Chesapeake & Ohio Railroad in cases tried in August, 1884.

The deposition of Judge Jerry R. Morton, to prove that the defendant was in Jessamine County, Kentucky, from August 27 to August 30, 1884, was read, and the cross-examination showed that the town was an hour and a quarter by railroad from Lexington. Judge Joseph D. Hunt's affidavit corroborated that of Mr. Hagart. Theodore Davis, Clerk of the Court, deposed that Colonel Breckinridge had voted in Lexington, August 4, 1884, and W. S. Marsh corroborated his testimony. Nat. L. Bronaugh, a lawyer, added his testimony that Colonel Breckinridge had been engaged in the Jessamine County Court from August 27 to 30, 1884, but could not say where he (Colonel Breckinridge) had passed his nights during that time.

Joseph Skain, proprietor of the Clarendon Hotel, in Lexington, deposed that Colonel Breckinridge and members of his family had stopped at the Phoenix Hotel, as it was then called, in 1887. Incidentally the hotel man recalled an argument in which Colonel Breckinridge had made the accusation that he was being gouged out of four dollars, and the recollection of the controversy caused the Congressman's shoulders to shake with laughter.

After the noon recess, a deposition of James A. Ely, once Clerk of the Circuit Court of Fayette County, was read. He remembered that Colonel Breckinridge had been engaged in a case on November 22, 23 and 24, 1887, and at the unveiling of a statue of John C. Breckinridge, at Lexington, on September 16, 1887.

The deposition of Sister Marie Hyacinthe, who was seventy-four years old, and said that her memory was very bad, showed that she could not remember that Madeline Pollard had attended

the Notre Dame Convent, at Reading, O., of which she was the Sister and had been Superior in 1883.

The deposition of Wm. G. Wood, a carpenter, of Lexington, was read. Wood was engaged to Miss Pollard in 1882, but when he told her he could not take her on a trip to Europe she broke the engagement and threw at him the ring he had given her. He did not know her age then, but considered her a young woman.

Madeline Pollard, plaintiff, did not appear in Court to-day to face William Breckinridge, defendant.

That she was not there was a tip to the early arrivals that the day's doings would be dry and devoid of dramatic situations. So it was that in half an hour from the opening "oyez, oyez," of the Bailiff a very small and apathetic audience remained, to the evident satisfaction of Justice Bradley, who deprecates the attendance, which has been a marked feature of the proceedings.

It was evident by the absence of Miss Pollard that Colonel Breckinridge would not go upon the stand to tell his own story. Until he is called upon to kiss or grasp one of the several Bibles which lie upon the witness desk no one expects any sensational scenes.

He himself was on time to-day, even ahead of his lawyers.

Those who notice him closely (and who does not?) saw at a glance that since Saturday his long, white locks had been trimmed and that his white beard had been shorn somewhat. He even looked a bit younger and not so weary, as if the respite had done him good. He was more like the Breckinridge that Washington people had known in Congress, and his manner was gayer than at any time during the trial.

He took more interest in the newspapers than usual, though there was little in any of them to encourage him.

He listened as a trained lawyer to the decision of Judge Bradley regarding the disputed depositions, the admission of which had been opposed by plaintiff's counsel. All the lawyers listened attentively to the decisions, and the audience listened in vain for any words from the bench which would indicate a bit of bias or any inclination to favor one side or the other.

Judge Bradley spoke slowly, measuring every word and sentence, and aroused some interest even among laymen by sarcastic reflections upon the testimony of a witness for the defense named Brand. Judge Bradley scored Brand severely as a man with no idea of morality who had unblushingly admitted his own licentiousness with lewd women even while also admitting himself to be a married man. Had Mr. Brand been in Court his sensations would have been hard to describe after Judge Bradley's remarks.

There was a generous exchange of looks all around among lawyers and reporters, when the Judge ruled out the depositions of Drs. Green and Lewis. The Lewis deposition is the one that drags the name of A. M. Swope into the case in an effort to put a stigma upon Miss Pollard's reputation. The defense did not seem sorry at this decision, but noted an exception in the usual manner.

Justice Bradley is a Christian gentleman, and elder of the Presbyterian Church, and a man who believes in

A HIGH CODE OF MORALS.

There was not much surprise, therefore, when he concluded his decision with an appeal to the press for the suppression of indecent and impure details of the case on trial.

He began by reference to the many anonymous letters which had come to him since the trial began, and incidentally added that a person who writes anonymous letters is generally considered capable of committing worse crimes. It was a nice little speech, well put and kindly received by all the newspaper men.

Some of the venerable bald-headed and white-haired old men, who have not missed a single session of the Court, wriggled in their chairs as if the Judge's speech was half way directed to them for being so attentive to the "disgusting details."

Referring to some depositions the Judge declared that they were too filthy and obscene to be read in a Court of Justice.

This remark caused a turning of heads toward the defendant and his lawyers, who had brought such filthy and obscene testimony into Court.

Then the reading of depositions was begun and continued throughout the morning and afternoon sessions. The purport of

all the testimony was to impress the jury with the inference that Miss Pollard was a bad girl before she met Colonel Breckinridge.

The testimony of Alex. Julian, a blind man, regarding a mock marriage was not so hurtful to the plaintiff, because he did not specify that she had been guilty of any improper conduct, but merely that she had used some indiscreet language. It was rather ludicrous to hear the testimony of Julian, in which he spoke of "seeing" Miss Pollard several times since 1884, although it is alleged he has been

BLIND FOR OVER TEN YEARS.

Counsel for the plaintiff objected to the testimony of Julian about the contents of a letter which he had received, as a blind man could not swear to the contents of a letter which no power on earth could enable him to see.

Julian's story as to the cause of his blindness brought out a view of Kentucky customs as regards the carrying of pistols. He had arranged to go to the Shelbyville Fair. A friend had said to him: "Please carry my pistol for me. I'm going to take my girl and the pistol will be in my way. You take it, and if I need it I'll ask you for it." And so Julian carried not only the pistol, but soon afterwards was carrying a full-sized "jag." He detailed that he bought and drank several bottles, had many drinks at bars, and in a drunken condition had threatened to shoot a colored man. The colored man objected, and Julian had said: "Then I'll shoot myself."

He thought the pistol empty, as the friend had said, and thought to make a grand bluff by pretending to shoot himself. Alas! it is always the unloaded pistol that goes off, and Julian shot himself in the eyes, forever destroying his vision.

In telling this story Mr. Julian took pains to add that he had reformed, and was a far different man since his drunken foolishness cost him his eyesight. There was nothing in this story of Kentucky life which affected the case on trial, but it was evidently interesting to the jury and a diversion in the midst of dry testimony.

The reading of Alex. Julian's deposition and cross-examination closed the day's proceedings. Julian is the blind man whose



adventure with Miss Pollard at the country frolic on Christmas Eve, 1882, has been the subject of numerous publications since the opening up of this scandal.

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### THIRTEENTH DAY OF TRIAL.

*A Wee Disputed Letter, but it Kept the Lawyers Busy—Major Moore Proves a Queer Sort of Witness—Expert Testimony on the Question of Forgery—Miss Pollard's Letter to Breckinridge.*

The defense in the Pollard-Breckinridge trial took a new tack to-day and ventured upon the troubled sea of expert testimony. Two witnesses well known in Washington—Dr. E. M. Schaefer, the Deputy Coroner of the District of Columbia, and Edwin B. Hay, an Attorney who is something of a Chauncey Depew—appeared for the Kentucky Congressman, and their statements were directed to the support of the contention that the hand of Madeline Pollard penned the black-bordered letter written in 1884, which she has most emphatically disavowed twice over on the witness stand.

Great stress is laid by the defense upon the authenticity of this letter, not because it runs counter to the testimony of the plaintiff that Colonel Breckinridge first called upon her at the Wesleyan Academy of his own volition, but because they think if she can be proved false on one important detail, her whole statement will be impeached. The signature to the letter also goes to support the opening statement of the defense on a minor detail, viz., that Miss Pollard had adopted at that time the middle name of Breckinridge. This letter, which has figured so conspicuously in the case, and which the defense will fight to get before the jury, is as follows :

## HOME FACES ALWAYS WELCOME.

WESLEYAN COLLEGE, July 20, 1884. DEAR COLONEL BRECKINRIDGE:—Your letter came to me Saturday. I am glad you told me it would be inconvenient to come out here to the college, for if you had gone even to such a little trouble to listen to what sometimes overburdens a school girl's mind you might be inclined to be provoked with yourself. A preacher's opinion of any little affairs of mine would cause premature gray hairs where your opinion might clear away all doubts and let me be quite free hearted again. I think I have prepared for you a divorce case. But listen, it is worse than that. If a certain person should advance funds for my tuition here at school for three years under the promise that I marry him at the expiration of the time, could he do anything if I would not marry him but teach and refund all he had advanced? I know you think, why the deception? But on no other terms will he agree. When a girl wants nothing but a good education and means to obtain such are denied her what is she to do but take the only chance she is ever likely to have? I like your face and I am sure I would like you, and if at any future time you are in the city and would care to come around remember that home faces are always welcome. I am respectfully yours,

MADLINE B. POLLARD.

For the first time to-day the keen cross-examining of Judge Jere Wilson, whose work has been awaited with interest by his fellow lawyers, was brought into play. It was first exercised on Major Moore, the chief of police, who was called back to dispute some of Miss Pollard's statements regarding the two interviews in his office during which Colonel Breckinridge repeated his promises to marry her, and afterward Mr. Wilson stirred up such a cloud of verbal dust around the expert testimony of Dr. Schaefer that the spectators hardly knew whether the letter purported to have come from the plaintiff to the defendant or the reverse. To-morrow promises to be the grand day of the trial, for unless the cross-examination of two intervening witnesses is too long drawn out, the silver-tongued defendant himself will mount a rostrum of a kind in which he has not figured before and will begin his version of the long intrigue.

## MAJOR MOORE RECALLED.

The first witness to-day was Major Moore, in whose offices there had been two promises made by Colonel Breckenridge to marry Miss Pollard on May 13 and 17, 1893. It was proposed to contradict some of Miss Pollard's statements regarding those interviews.

Major Moore denied that in either of the two interviews Colonel Breckenridge had said: "This is one of life's tragedies," or that he had said anything about Miss Pollard's bearing two children. In neither interview had Colonel Breckenridge said: "She knew I was a married man."

"How long did that interview last?" asked Judge Wilson in cross-examination.

"Fifteen or twenty minutes."

"A great deal was said, then, that you don't remember?"

"Yes, sir."

Answering further questions, the Major said that he had only made notes of what impressed his mind after the interview was concluded; that Miss Pollard and Colonel Breckenridge had talked all the time, Miss Pollard seeming excited and doing most of the talking, while Colonel Breckenridge appeared cool. He would not pretend that he recalled everything. Much had been said which he could not remember, as that part of the conversation he had recorded in his notes would not have occupied more than half a minute. His attention had not been called to the conversation for three months afterward.

The second interview, it was developed under cross-examination, had lasted nearly an hour and had been less excited than the first, Miss Pollard doing most of the talking.

## PROMISED TO MARRY HER.

"This was the interview of the 17th of May, when Miss Pollard narrated that she lay on the sofa. Colonel Breckenridge sat beside her, and afterward he took her hand in his and your hand and promised to marry her?" repeated Judge Wilson, aiming to emphasize an old score.

"Yes, sir."

There was a tilt between the attorneys over the latitude which was permissible in the cross-examination, and Judge Bradley decided that since the defense had made the chief its own witness the cross-questioning could cover the whole field of the interviews. Thereupon, in response to Judge Wilson's last question, the witness said that Miss Pollard's manner had indicated gratification when the Colonel promised to marry her.

The direct question from Mr. Shelby whether if Colonel Breckinridge had said that Miss Pollard had bore him two children he would have made a note of it was overruled, as was a question as to when he first became aware that the plaintiff claimed that she had borne two children by the defendant. This ended the second appearance of Major Moore, after some clever questioning by both sides and several exceptions on the part of the defense.

#### MAJOR HAY FAILS TO RESPOND.

"Major" Hay was called, but no one recognized by that title E. B. Hay, the chief officer of the National Order of Elks, and a well-known local attorney and after-dinner speaker.

"Major" Hay failing to appear, Dr. E. M. Schaefer, deputy coroner of the district, a tall, slender, bearded, spectacled man, was called as an expert upon handwriting. After stating his qualifications and his experience, Mr. Butterworth was about to hand him the letter disclaimed by Miss Pollard when Mr. Wilson coolly remarked :

"Well, I don't think he is an expert at all," which stirred a laugh.

Mr. Wilson proceeded to put more questions to ascertain the claims of the witness to expert knowledge. Microscopical and chemical analysis had been made a study by the doctor for seventeen years in the government medical museum. He explained that he had been brought writings of various sorts by doctors, several wills among them, to detect forgeries, to determine the qualities and character of the ink, and the age of the writing.

The examination was protracted and at its close Judge Wilson objected that Dr. Schaefer had not shown the qualifications of



an expert on handwriting, but Mr. Butterworth retorted that he could not conceive of any possible qualifications lacking. Judge Bradley decided that the doctor had made good claims to expert experience and the jury could decide what weight should be given his testimony. Thereupon the bundle of letters admitted to have been written by Miss Pollard were handed up to the expert, who asserted that he had studied them carefully the day before.

#### IDENTIFIED THE LETTER.

The black bordered letter repudiated by Miss Pollard was given him for comparison. He and Attorney Butterworth put their heads together for a few minutes and finally, in answer to a direct question, Dr. Schaefer said he felt certain the black bordered letter had been written by the same person who had penned the letters in evidence.

The Christmas card said to have been pressed for nine years in the volume of Washington Irving found in the Norwood Convent, and which bore the words, "Compliments of W. S. D.," was examined by the expert, who averred that from the appearance of the ink the inscription had not been on it more than three or four years.

"I assume in my answer," he explained, "that it has been subject to the conditions which have been described. Had it been exposed to the air, I would say the inscription had been made still more recently."

He proceeded to describe the effect of exposure to the air and of handling upon the condition and appearance of ink. The quality of paper affected the ink.

#### EXPERTS COME HIGH.

"What are your charges per day as an expert?" was the first question of Judge Wilson in cross-examination, a question which the doctor was disposed to parry, stating that it depended upon the character of the work. He remarked that he had never seen a case like this, when asked what were his charges for such a case, he asserted that he had charged \$50 a day for similar services.

Colonel Phil. Thompsen and Major Butterworth proffered objections to the line of questioning, to which Judge Wilson replied that it was a test of the value of expert testimony recognized by the books, and in this he was sustained by the Court. Detailing his past work, the doctor showed that his charges in different cases had ranged from \$5 to \$75. The papers had been brought to his house Sunday by Colonel Breckinridge, and he had kept them over night, bringing them Monday to the attorney's room in the court house, where he had spent the day examining them. He had made no examination of the Christmas card other than an ocular one. His statement regarding the writing on the card was a relative one, he assuming that the writing had been made under ordinary circumstances with ordinary ink, and that no chemists had made a special ink to deceive experts. There was some fine fencing between the expert and the lawyer over minute distinctions of terms, and particularly as to mathematical exactness in handwriting.

#### COULD NOT SHAKE HIS BELIEF.

"I feel much more certain," resumed the doctor, "that Madeline Pollard wrote that letter than I do concerning the date of the handwriting on the Christmas card."

"Suppose," began Mr. Wilson, "that it turned out to be a fact, so far as human testimony could fix it, that this card had been shut up in the leaves of a book nine years?"

"Then I would say that some one had taken it out and three or four years ago and written on it."

"That fact, if established as a fact, would not shake your belief?"

"Not unless some one could convince me that the writing had come here by spiritual agencies."

Dr. Schaefer's cross-examination was protracted well into the afternoon. Mr. Wilson obtained from him the admission that sometimes forgeries were so skillfully done as to deceive experts. While he had not been told what the defense wanted to prove by him, Dr. Schaeffer concluded, he had inferred. He would not have permitted anyone to tell him that they wanted him to

testify to any particular thing. After a brief re-direct examination of Dr. Schaefer, Edwin S. Hay was put on the stand. He had for twenty-five years made a special study of hand-writing and had been a witness in a number of noted suits, among them the one brought by Mrs. Oliver against the late Simon Cameron for breach of promise. He was certain the letter exhibited and the one addressed to "Wessie" Brown were written by the same person. After some sparring over Mr. Hays declaration that no person could successfully imitate a person's handwriting through a long letter, the court adjourned for the day.

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#### FOURTEENTH DAY OF TRIAL.

*Faced Her Old Lover—Breckinridge's Side Springs its Spicy Witness, Rankin Rosell—He is Received by His Hearers with Contempt—Miss Pollard's Ire is Aroused by Leading Questions as to their Conduct—Cross-Examination of Witness Rosell by Judge Wilson—Colonel Hay, the Expert Penman, Subjected to a Rigid Cross-Fire.*

The testimony to-day was of that character which draws a crowd. It also provoked a demonstration, showing that the sentiment of the court-room has already passed upon Mr. Breckinridge.

"Now, Rosell," said one of the counsel for the defendant, when the day was about half over. This was the first intimation that the lawyers had decided to substitute a living witness for a deposition. Rosell's deposition was one against which Miss Pollard's counsel filed objection. The Court overruled the objection. There was nothing to prevent the reading, but Mr. Breckinridge's lawyers decided that they would rather have the witness present in person. It would have been better for the defense if Mr. Rosell had been left in Kentucky. He did not

make a good impression. His disregard for grammar indicates that somewhat liberal ideas prevail probably in Nicholas County regarding the qualifications of a school superintendent. It is the man and not the grammar they are looking for. This morning it made some of his hearers who are sticklers for conventionalities of grammar shudder to hear him talk of the engagement "between she and I," or the relations "between Mr. Rodes and she." He did not allege anything in his relations with Miss Pollard that was improper. They became engaged, and he claims to have ceased to love her because he lost confidence in her because she permitted him to hug and kiss her. He brought out all of their courting and love affairs before the court, and even produced the inevitable tintype. According to Mr. Rosell, Miss Pollard claimed that she was born in 1863.

#### BAD FOR THE DEFENSE.

Miss Pollard walked into the room, accompanied by her friend, before the witness had answered a dozen questions. Her arrival did not phase him to any great extent, the only sign of recognition being a faint tinging of his cheeks with a blush. Once during his testimony before recess, when he was asked to describe her conduct with him in the parlor of the school, she made a show of rising from her seat, while her eyes snapped and her lips settled into even firmer lines than usual. From this demonstration she recovered rapidly, and as Rosell told of her preparations to accompany him to Chicago, which he thought were real, she even could not suppress a smile.

Considering the decidedly unconventional discussion by the witness in reply to questions of relations usually regarded as sacred and confidential, his bearing throughout the direct examination was remarkably careless, while his former fiancee exercised equally remarkable self-control. When the question was asked by Mr. Shelby about the character of Miss Pollard's conduct when Rosell called upon her, some one among the spectators made a demonstration, which called forth a sharp rebuke from Justice Bradley.



"I shall exclude any one from the court-room, no matter who he may be," said the Justice, "if any demonstration whatever is made."

As the witness was questioned about letters which he had received from Miss Pollard, she again smiled as she glanced toward the jury, and when the Court sustained an objection to a question about the breaking of an engagement, she turned to Mr. Carlisle and her smile broadened as she whispered to him.

No sooner had the Circuit Court met for the Pollard-Breckinridge case to-day than Judge Wilson, of the plaintiff's counsel, requested that the disputed letter, which has been in the hands of the Breckinridge forces, be placed in the custody of the clerk of the court. He also requested that "Colonel" E. B. Hay, the expert on handwriting, be recalled for further cross-examination. Mr. Wilson asked him some questions about his method of judging handwritings, whereat Mr. Hay gave a dissertation upon "specific" characteristics, as he called them, illuminating his remarks by illustrations drawn off-hand on the blackboard.

When Mr. Wilson inquired upon what characteristics the expert laid greatest stress, Mr. Hay replied with an impressive genuflection, "The tout ensemble." The spectators snickered, Judge Bradley smiled, some of the jurors looked puzzled, as though they suspected there was impropriety lurking in the words, and Mr. Wilson requested that the expression be rendered into English.

From this point Mr. Wilson turned to inquire if Mr. Hay remembered having testified as an expert before a congressional committee upon a letter supposed to have been written to Congressman Springer by one Findley, Mr. Hay recalled the case, and Mr. Butterworth recollected also that he had been a member of the committee.

"Yes, you wrote the report," remarked Mr. Wilson.

"No, but it was a good report," Mr. Butterworth replied, "and I signed it."

"So it was a good report," Mr. Wilson repeated, and the object of his reference to the case was shown when he proceeded to read extracts from Mr. Hay's testimony at that investigation to

show that he had said at different times that he placed greatest weight upon general characteristics and upon special characteristics. Cool as a cucumber, expert Hay explained how he reconciled his statements. Asked if he had not testified that Findley did not write the Springer letter when it had been proven that he did, Mr. Hay replied that his belief remained unchanged that Findlay was not the writer.

#### THE EXPERT WORRIED.

"Did you not testify in this court recently that a will was a forgery when it was proved undoubtedly genuine?" Mr. Wilson inquired.

Mr. Hay denied that this was the fact, and Mr. Butterworth insisted that the case referred to should be named.

Mr. Hay, who is an expert penman, asserted that he could imitate any individual letters in the disputed document, but would not be able to combine them into a plausible imitation of the handwriting. He did not remember a case involving the genuineness of some naval vouchers in which the experts had picked out the original vouchers as forgeries. He had never known a case in which experts had differed so widely as over the Findley letter, and incidentally remarked that Congress had never paid him for the twenty-five days' hard work upon the case.

Mr. Butterworth added that the Government never paid anything it could avoid paying, except in bonds, an observation which would have pleased Gen. Coxe, of the commonweal.

After giving an explanation of the methods of tracing, the expert averred that none of them could have been employed in making the letter before him.

Laywers Wilson and Butterworth indulged in a dispute over the reading of the report of the congressional committee on the Findley letter. Mr. Butterworth explained that the Republicans and Democrats of the committee had taken partisan positions regarding the authorship of the Findley letter, and their conclusions were not read.

When Mr. Hay was finally dismissed the whole field of expert evidence had been threshed over to weariness.

## HOW THE LETTER WAS DISCOVERED.

He was followed by Colonel Breckinridge's stenographer and clerk, a young blonde-mustached man named Worthington, who, until recently, had been employed in the office of Breckinridge & Shelby, in Lexington. Being requested to tell what he knew of the questioned letter, he explained that last September Mr. Shelby had received a request from Colonel Breckinridge, then in Washington, to make a search for letters from Miss Pollard to him. The search had extended over three or four days, and finally this letter was found on top of an old unused desk where a lot of correspondence, part of it belonging to the firm, part Colonel Breckinridge's private correspondence, was stowed away in pasteboard files. This was the only letter from Miss Pollard found.

On cross-examination he said that the office of Breckinridge & Shelby had been moved in September, 1890.

"So that," Mr. Wilson said, "of all the letters you found in this office, this is the only one in Miss Pollard's handwriting?"

The clerk assented, and Mr. Wilson asked if that package had seemed to consist of private correspondence, to which the witness replied that they had seemed to be mostly business letters. Between the leaves of that pasteboard file, he explained, had been only letters from persons whose names began with P. His recollection was that "1884" was stamped upon the package.

## TESTIMONY OF ROSELL.

As Mr. Worthington left the stand one of Mr. Breckinridge's lawyers said :

"Now, Rosell."

The man who walked to the witness stand is a typical Kentuckian from the mountain end of the State. Rankin R. Rosell is of medium build, with sallow complexion, dark, nervous eyes and black, shiny hair, parted far down on the right side of his head. A sandy mustache covers his mouth, which was twisted to the right at the conclusion of every sentence. As he talked he held his right hand behind him and leaned against the Judge's desk upon his left arm. Colonel Shelby asked him :

"What is your age?"

"I am in my thirty-fourth year."

He said he was a teacher in the common schools. Last November he was elected Superintendent of Public Schools in Nicholas County. He was a Mason and a member of several local lodges. He was also the Deputy Clerk of the County Clerk. In the fall of 1883 he was employed by the John Shillito Co., of Cincinnati. In the fall of 1884 he went to Chicago, and returned to Cincinnati in 1885.

"Do you know Madeline Pollard?"

"I do."

"When did you become acquainted with her?"

"In the fall of 1884."

"Under what circumstances?"

"A lady came to the store and asked for me. A messenger came upstairs and told me that there was a lady who wanted to see me. I went downstairs and saw Miss Pollard. She said she had often heard of me and was very glad to meet me. She then told me that she wanted to go to the Wesleyan College, and that she wanted me to go there with her and introduce her. I told her I would do so with pleasure, and I then went with her."

MISS POLLARD CONFRONTS WITNESS.

A moment after the witness went on the stand Miss Pollard, smiling and apparently in a very good humor, entered the room. She wore the same blue gown, but had on a new and very unbecoming hat that made her even more homely than usual. She was accompanied by Miss Ellis. The two women took seats directly in front of the Clerk, where Miss Pollard had a good view of the witness.

"Did she tell you how she happened to know of you?"

"She said she had heard her cousin, Miss Nellie Oliver, speak of me often."

"Did you know Miss Oliver?"

"I did."

"Did you go with Miss Pollard to the Wesleyan College?"

"I did. We were received in the office adjoining the library. I introduced myself to Dr. Brown and then presented Miss



Pollard. She said she had a guardian (Mr. Rodes) who would come next day and complete the arrangements."

"Was anything said about you?"

"Yes, she said I was a personal friend of hers, and asked that I might be allowed to call whenever I wished to do so, and he consented."

"Was anything said about Miss Pollard?"

"Nothing, as I recollect."

"When did you next see Miss Pollard?"

"Probably two or three times afterward at the college."

"Did you go there for that purpose?"

"I did."

"From that time on until you left Cincinnati, in the following March, what was your habit about calling at the college?"

"I called frequently, on an average of twice a week."

"For what purpose did you go to the college?"

"I visited Miss Pollard. I had no other acquaintances."

"Would you see her alone?"

#### THE ENGAGEMENT.

"Most frequently. Sometimes some of the young ladies would come down with her. At first I had a great admiration for her. It went to love and then to engagement."

"When did you become engaged?"

"I think on December 23, 1883."

"What arrangement did she tell you she had with Mr. Rodes?"

"She first said Mr. Rhodes was her guardian; afterward that he having proposed matrimony, she consented to become his wife, if he educated her."

"Did she ever say that she intended to carry out that engagement?"

"She said she never intended to carry it out. She was simply trying to get an education."

"During your engagement did you see Miss Pollard frequently or seldom?"

"I saw her frequently, sometimes in the reception room adjoining the parlor, sometimes in the parlor. My calls were usually in the evenings."

“What was her manner toward you after you became engaged?”

“Very affectionate.”

“How was it indicated?”

“I frequently kissed her and caressed her.”

“Where would Miss Pollard usually sit?”

“When we first met she usually sat beside me—that is, in a chair. As our friendship increased she became very intimate and she would sit in my lap.”

Here Miss Pollard straightened herself in her chair and glared at the witness with marks of indignation upon her face. He met her gaze calmly, and as she, at the suggestion of Mr. Carlisle, restrained herself and subsided into quiet weeping, her shoulders twitching with excitement, he continued his calm replies to the questions of Mr. Shelby.

“During that time when she was in the habit of sitting in your lap, were there any demonstrations of affection between you?”

AFFECTIONATE CARESSES.

“Oh, yes, sir. Naturally there would be. I would put my arms around her and kiss her.”

“Did you ever meet Mr. Rhodes at the college?”

“Only on one occasion.”

“Was there any arrangement between you and Miss Pollard as to what should be done if you met Mr. Rhodes at the college?”

“There was.”

“Who made the arrangement?”

“Miss Pollard.”

“What was it?”

“We were to appear as strangers.”

“Did you do this on the occasion you speak of?”

“We did. One of Miss Pollard’s friends came out and told me that Mr. Rhodes was in the parlor. I went in; pretended that I did not know her. During the evening while she was sitting across the room with Mr. Rhodes, she forgot herself and shouted across the room, ‘Oh, Rankin,’ calling me by my first name. She made Mr. Rhodes believe that she was talking to the girl with her.”

“When you went to Chicago, in March of 1884, did Miss Pollard offer to go with you?”

“She did. I went to the college after I had told her that I was going out to Chicago. She offered to go with me. She went up stairs, and came down after a little while with her coat and hat on, saying she was ready to go. At first I thought she was jesting. When I found she was in earnest I told her that it would not be convenient to take her with me, and that she had better wait until the end of the school year, which was in June. She remained at the college and I went to Chicago.”

Witness said he had not believed she was in earnest about going when she first proposed it. She said she had her trunk packed. Miss Pollard represented herself to him as three years his junior. He was born in 1860 and she said she was born in 1863.

PRESENTED MADELAINE WITH TWO RINGS.

Witness said he had given Miss Pollard two rings, one set with diamonds. The day before he went to Chicago he had some pictures taken of her. Four tintypes were handed him. He identified one as the picture she had taken when he took her to the gallery. Another was taken with Miss Burnett and still another with a Miss Campbell, of Ohio.

“One of those pictures has a ring on the finger. Do you know it?”

Witness looked at the picture very closely, and said he thought the ring was one of the two which he had given Miss Pollard.

The pictures were offered in evidence and exhibited to the jury. While the jury were examining them, Miss Pollard and Mr. Wilson held a whispered conversation with each other.

“Were you in the habit of swilling firewater when you knew Miss Pollard?”

“No, sir; never.”

“Did Miss Pollard ever see you under the influence of liquor?”

“Most assuredly I never was in her presence in that condition.”

Witness did not remember of Miss Pollard's ever mentioning Alexander Julian to him, but once. She was speaking of past events in her life and mentioned a mock marriage ceremony which had taken place between herself and Julian at some Christmas gathering. She did not mention any of the details of the ceremony. Miss Pollard gave the witness a ring. He had it molded with another ring and gave it back to her. While he was in Chicago he wrote to Miss Pollard and received one letter in reply. The engagement between them was never consummated by a marriage.

"What were the reasons on your part that it was allowed to drop?" asked Mr. Shelby.

"I object," said Mr. Wilson.

"Objection sustained," said the court.

#### THE ENGAGEMENT BROKEN OFF.

The witness was asked why the engagement was not carried out, and said he lost confidence in her because of the manner she allowed him to kiss and hug her after they were engaged.

"I lost confidence in the woman," he said, "as the woman whom I would desire to have as my wife, and my love ceased."

He thought he next saw her in Lexington, in February or March, 1885. He saw her at Mrs. Ketchums. Witness said he asked her for the rings he had given her, and she said they were at her mother's and she would get them. He wrote her about a month afterward for the rings, and in reply she wrote that her mother's property had been destroyed by fire, and the rings with other of her treasures, had been destroyed. Witness said he saw Miss Pollard in the sitting room of Mr. Ketchum's house. There was no one else in the sitting room. He did not know how any one else could be concealed in the room at the time. He would think it was not likely.

At this point the usual midday recess was taken.

During the recess Rosell strolled about the corridors of the Court House in company with Desha Breckinridge, or sat with the defendant's counsel in the court room.



The fact that the plaintiff would be again in court this afternoon created a great pressure on Marshal Wilson and his deputies for admission to the court room, and before the trial was resumed after recess every seat in the room and about all the available standing room was occupied. As usual, Colonel Breckinridge was the first of the interested parties to enter the court room, and was not long after followed by Miss Pollard, escorted by Mrs. Ellis from the House of Mercy, and her counsel. Both the plaintiff and the defendant quietly took their customary places and appeared wholly oblivious of the presence of the other

#### BEARING OF PLAINTIFF AND DEFENDANT.

As during the morning session of the court, Miss Pollard paid the closest attention to the testimony of Mr. Rosell, her former admirer, and frequently made notes of what he said, handing them to Mr. Carlisle, who in turn handed them over to Mr. Wilson, who made use of them in the cross-examination of the witness. Although she gave him the closest attention, the plaintiff seldom glanced at the witness, sitting with dawning eyes and hands folded when not making notes.

Colonel Breckinridge also closely attended to what was said by the witness, especially while Mr. Wilson was plying Mr. Rosell with questions during the cross-examination. Now and then, however, the defendant turned his eyes toward the plaintiff, and was seemingly much interested in the written suggestions to her counsel. He was apparently not a little surprised at the brevity of Mr. Wilson's cross-examination of Mr. Rosell.

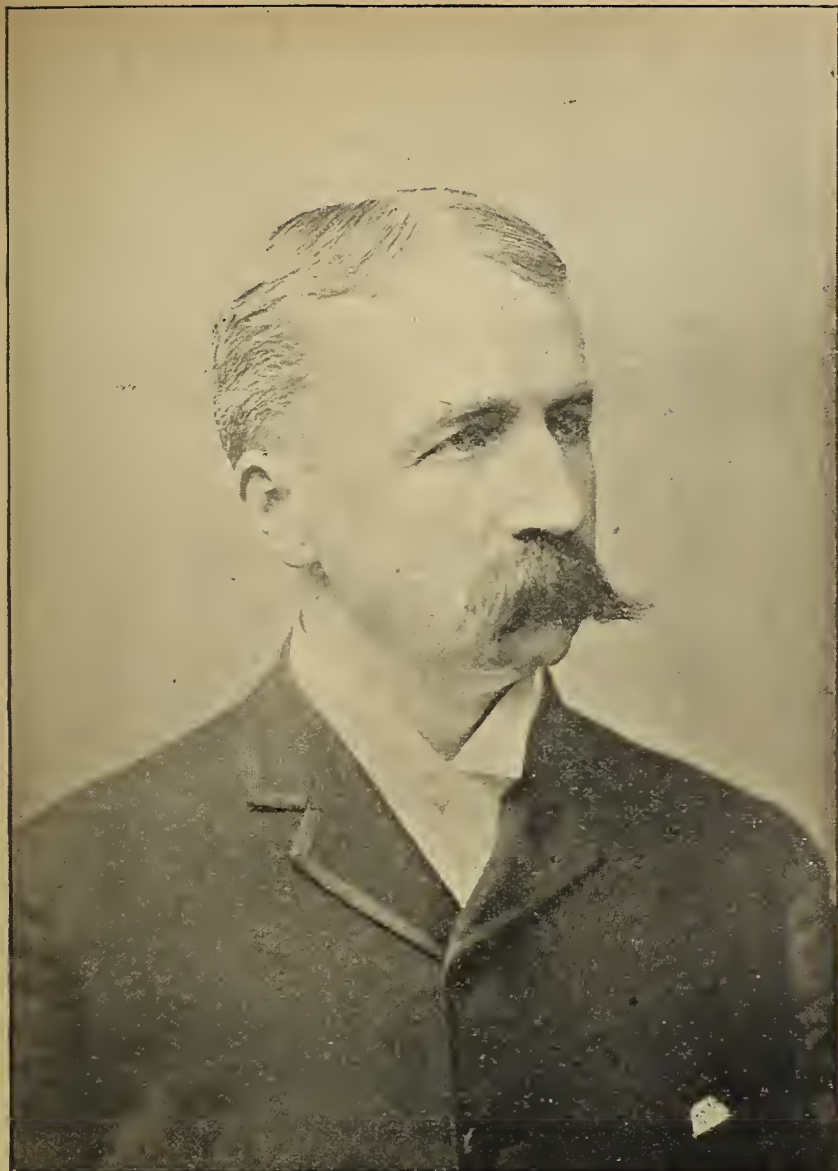
After recess Mr. Rosell resumed his place upon the witness stand and took up his story at the point reached at adjournment.

"During your engagement was Miss Pollard mentally and physically a mature person?"

Mr. Wilson objected.

"It appears that embraces too much," said Justice Bradley.

Mr. Shelby explained his question at length, saying that it was a question of development. He reserved an exception to the ruling of the Judge and asked :



JUDGE ANDREW BRADLEY.



JOHN T. SHELBY.

## A WELL-MATURED WOMAN.

"Was the deportment of the plaintiff that of a girlish person or a mature person?"

This was also ruled out. At the suggestion of Mr. Stoll, Mr. Shelby asked.

"At that time was her appearance that of a girl or a woman?"

"She was a woman."

"Are you a married man?"

"I have been married six years."

"While you were visiting Miss Pollard what were your relations with Dr. Brown, principal of the college?"

"I never saw him but once. No unpleasent words ever passed between us.

"What are the facts of your being an applicant for a position in the revenue service?"

"Last April I filed my application for a position. Last June my friends persuaded me to run for my present office, and I withdrew my former application."

"At that time did you know Col. Breckinridge?"

"I did not. I am not in his district. I did not seek or obtain his indorsement. I withdrew my application before I made my deposition."

Cross-examination by Mr. Wilson, taken up here, now developed the fact that he withdrew his papers on the very day he made his deposition, and that he had the papers in his pocket when he was making his deposition.

As to the character of the Wesleyan College, the witness said he knew it stood in the best repute in the community, but he did not know that the late Mrs. Hayes and Mrs. Wm. M. Springer were educated there.

At Mr. Wilson's request, he described the parlor and reception room, and said that there were folding doors between the rooms, and these doors were always open when he was there. The library was on the right hand side of the hall.

## PRACTICALLY ONE ROOM.

"Where did you meet Miss Pollard?"



"In the parlor or the next room."

"Practically the same room?"

"Yes."

"How large a room was that?"

"I don't remember whether it was as large as the library or not."

"Do you not know that in that institution no visitors were admitted but once a week!"

"I did not know it."

"You have said that she sat upon your lap? Did that occur in the parlor and reception room?"

"In both places."

"Anybody else present?"

"No, sir."

"You have said that she has sat upon your lap for two hours at a time?"

"Yes; for an hour and a half or two hours."

"You would go there from 7:30 to 10 o'clock?"

"Yes."

"And an hour and a half of that time she would be sitting on your lap?"

"Yes, sir; that is positive."

"When did you first tell any one of this?"

"Some time last fall."

"To whom?"

"To Dr. O'Mahoney, of Lexington. He came as a messenger from Colonel Breckinridge."

"Was that the first time?"

"It was."

"How did he find out about you?"

"I think through the Wessie Brown letter. My name was mentioned in that."

"She told you that she had been married to Alex. Julien in a mock marriage?"

"Yes, sir?"

"She did not say she was married to Owen Tinsley?"

"I never remembered that name. It was Alex. Julien."

"How far do you live from Lexington?"

"About thirty-five miles."

CALLED ON BRECKINRIDGE.

"Did you go to Lexington the day before your deposition was taken?"

"I think not."

"After your interview with O'Mahoney did you meet Colonel Breckinridge?"

"Yes; after I saw O'Mahoney I called on Colonel Breckinridge at his office."

"Did he show you a picture?"

"Yes; it was one of Miss Pollard."

"Did he say how he got possession of the picture?"

"The man that carries the mail from my town to Lexington asked me if I had a picture of Miss Pollard. I told him I had, and I gave it to him, and he gave it to Mrs. Todd, the Postmistress."

"What relation is Mrs. Todd to Colonel Breckinridge?"

"I cannot answer that question. I think there was some relation."

"How long was Miss Pollard absent when she went upstairs at the college on the occasion when you went to Chicago and you said she offered to go with you?"

"My best recollection is about fifteen or twenty minutes."

"She went upstairs to pack her trunk and get ready, did she not?"

"Yes, sir."

"And it only took her about fifteen or twenty minutes?"

"That is what she said."

"You are the same Rosell that gave your deposition in this case?"

"Yes, sir."

"You withdrew your application for a public office when you gave your deposition in the case, did you not?"

"I did, sir."

"What is the standing of this institution—of the Wesleyan College?"

"It is very good, I believe."

"Do you know that Mrs. President Hayes, then Lucy Webb, was educated there?"

The question was objected to but the Court allowed it, and the witness said he did not know that such was the case.

The witness was then asked about the situation of the reception room and parlor at the college. He explained that the rooms were connected by folding doors. The witness did not know whether the doors were always open. He could not recall whether this was the case or not. Certainly the rooms were in communication. The statement that Miss Pollard sat on his lap was absolutely true.

#### BUTCHER KAUFFMANN'S STORY.

Rosell, after leaving the stand, moved to a seat among the spectators. He had hardly gained it when, at the request of Mr. Wilson, he was recalled, but was excused again, and Mr. Stoll proceeded to read the deposition of Hiram Kauffmann. Miss Pollard at this point left the room.

Kauffman, who is thirty years old, and a butcher, of Lexington, said that he knew the plaintiff. He had first met her at Lena Singleton's, in Lexington, a house of shady character. Jim Rodes had introduced him to Miss Pollard, whom he saw eleven or twelve times within two weeks in 1883, between June 15 and July 20. As near as he could get at it, Miss Pollard was there just before going to Cincinnati. He had seen John Brand at Lena Singleton's, and also a light-complexioned person. He had seen Jim Rodes and Madeline Pollard there. She acted toward Rodes quite like any other woman of the character named by the deponent. Rodes and deponent were both living at the time at the asylum. He said he had refused advances of the plaintiff because of his friendship for Rodes. He was teacher and supervisor at the asylum. Rodes was gardener.

Mr. Farrell then read the cross-examination. Deponent said he went from Frederick County, Md. to Lexington. When he first went to Lexington, in 1882, his brother was living there

He went in business with his brother, but could not get along with his wife, and then he secured the place at the asylum. He had frequently met Rodes at his brother's place, directly across from the asylum. Rodes invited him some time in May or June, in 1883, to go and see his girl. "His girl" was Madeline Pollard. The first time he met Miss Pollard there was a woman with her named Lena Singleton. The house where he met the woman was a new frame on Upper street. He had frequently heard "Ed" Glasscock and others speak of her as "Jim Rodes' girl." Rodes frequently spoke of her in the same manner as his girl, and introduced her to deponent as such.

Once deponent saw Rodes give her \$35. Miss Pollard was sitting on his lap and Rodes was fondling her. Deponent also had a girl on his lap. After a while he went into a room with his girl. The girl deponent was with was called "Little Lena." He went to the same house on a pay day in the June following. Shindelbower did not go with him. Shindelbower had gotten in a scrape with a girl and had to leave town.

#### MADELINE AND BRAND.

Deponent saw Madeline Pollard come out of a room with "Jim" Brand. Madeline had on a mother hubbard made of some gauze stuff. She staid at the house until 10:30 p. m. He would go over to the place two or three times a week. On one evening Miss Pollard was not there. He met her on the road driving with Brand. That was the second time he had seen the two together. Once two of the college boys went with him to the house. One of them was from Texas; the other, he thought, was old man Thompson's son. They all went from the ball ground, and all got pretty full. They used to play ball near the Singleton's and on this occasion the girls got to fighting with them. That evening everybody behaved pretty well at the house.

He knew that other men visited the house beside the men he had mentioned. He generally went there in the day time. Frequently Rodes gave him his letters from Miss Pollard, and in this way he learned that she was at school in Cincinnati. Miss Pollard was generally known as "Jim Rodes' girl," and he sent



Rodes money to give her. He thought Miss Pollard was about 18 years old, but she looked younger. When they went to the house Jim Rodes said to him: "Mr. Kauffinan, let me introduce you to my girl, Miss Pollard."

It was evident to deponent, then, that there were improper relations existing between Rodes and this young woman.

Kauffinan said he did not know how the defense came to know about his connection with Miss Pollard. The first said to him was by old man "Billy."

VOLUNTEERED TO TESTIFY.

"Old man Billy who?"

"Old man Breckinridge."

Continuing, the deponent said: "I met the old man one day, it was just after Mrs. Blackburn had told her story, and I said to him, 'It looks pretty bad for you, Colonel.'

"He told me to wait until the truth was out and then I would see that Mrs. Blackburn knew the girl three years before he did. I told him that I had a letter that would help his case if I could find it, but I thought it had been burned up. Then I spoke to Desha about it, and afterward to Doc. O'Mahoney. One day Colonel Breckinridge came to me and said he heard that I knew a good deal about Rodes, and I said I did, and in that way I came to be connected with the case."

The deponent was asked why he left the asylum, but he objected, and the Commissioner did not require him to answer. The deponent described the Singleton woman as one about 40 years old, large and fleshy. He stated that after he had seen Miss Pollard and Brand out driving, he received a warm reception when he visited the house. She, he said, was very angry with him, and, with an indecent remark, told him that if he ever came around there again she would kick him out. He stated that he had heard her use profane language toward him, and had seen her in the Singleton house so drunk that she could not stand or sit up.

A TOUGH LOT.

The deposition of John A. Brand, a school janitor of Lexington, followed. Brand said he had first met Miss Pollard in 1883, at

a house kept by Lena Singleton, who was reputed to be a mistress of James Rodes. The plaintiff had seemed then about seventeen years old. Brand had often taken Miss Pollard riding, according to his story; had often picked her up and dropped her somewhere in the street, as he was a married man.

When asked for what purpose he had visited Lena Singleton, Brand said that the law did not compel a man to answer such questions. The Commissioner had urged him, saying that it was so long ago it would do no harm to answer, and then with the observation that he supposed they had all been there, Brand told that he went for immoral purposes. Brand also employed language which would not bear repetition. He described Miss Pollard as a "spare-made woman," with dark hair, and said she was then going to school. Brand's testimony was somewhat contradictory as to when he first met Miss Pollard, saying once that he first met her in 1881, and again in 1883. He was introduced to Miss Pollard in Lena Singleton's house by a woman he had met in a house of ill-fame in Cincinnati, but could not remember the name of the woman nor the location of the house. In explaining one of his lapses of memory, the witness said :

"That time I must have been pretty drunk, as I generally was."

He could not remember whether he was drunk on the occasion the alleged meeting with Madeline Pollard at Lena Singleton's occurred. Deponent expected that he had made improper remarks to Miss Pollard, but declined to say whether he had taken liberties with her.

The deposition of Letcher Lusby, Chief of Police of Lexington for six years past, revealed that he had known Lena Singleton; that she kept a sporting house, as he characterized it, although he was careful to explain that he had never been there.

Mr. Wilson objected to a question as to Lena Singleton's reputation for chastity. but Judge Bradley remarked that, considering what the witness had said of her house, her character might be inferred.

With this the court adjourned.

## FIFTEENTH DAY OF TRIAL.

*Breckinridge on the witness stand—Tells how he fell from grace—Madeline Pollard in the roll of Eve—How the man of fifty fell a victim to the charms of the girl of seventeen—He escorted her to a mythical concert on Vine street, Cincinnati—Yielded to the tender influences of the moment and fell. The Colonel indeed told his story with a silver tongue.*

“The woman tempted me and I did eat,” said Adam some centuries ago.

“I was a man of passion. She was a woman of passion, said Colonel Breckinridge to-day, as he described his lapse from virtuous ways with Madeline Pollard.

His appearance upon the stand was the sensation of the day.

It has been talked about in advance.

The audience has swelled each day when there was hope of hearing his story, and has dwindled away when dry depositions took the place of oral testimony.

There was a remarkable increase in attendance to-day. The dingy little courtroom was crowded, and there was not even the traditional standing room. The chief curiosity was not to see the leading stars of this remarkable drama, but to hear the silver tongue of a man who stands accused of a great wrong.

The weather outside was sultry, and the close room had an unwholesome smell, which made Justice Bradley frown every time he saw a fresh accession to the audience. Expectancy was in the air all morning. No one who has watched the trial could imagine any cause for delay, and knew that it was time for

## THE WHITE-HAIRED COLONEL

To arise in refutation of the many grave charges which have been hurled at him for weeks, and to which, as yet, he has made no answer until to-day.

Prior to the appearance of the defendant on the witness stand the proceedings had been dull. It seemed that the defense was gathering up all the fragments—sweeping up the bits of incidental testimony—to be in readiness for the grand and impressive scenes which

attend the finale of the drama. Nor were the lawyers for Madeline idle.

They, too, brought in witnesses who had come from Kentucky to deny the statements of Brand and others made yesterday.

The sickening stories about a house kept by Lena Singleton were denied to-day by J hn Beuckert and Stephen Dunn, two reputable citizens of Lexington.

Both men swore that no such woman as Lena Singleton had ever kept a house of ill-repute in Lexington.

The very plain inference sought to be shown by Judge Wilson was that the stories told by Brand were concoctions of a drunken, immoral wretch, whose own admissions injured his credibility.

There was nothing sensational about the examination of either Beuckert or Dunn.

There was a good deal of tiresome talk about Lexington matters which was of no importance or interest to anybody but the Lexington lawyers, and Lexington witnesses seemed to enjoy a series of reminiscences concerning

#### THEIR OLD KENTUCKY HOME.

The afternoon session began with the deposition of a Mrs. Miller, who was once Mollie Schindelbauer. She is now married. The most gained from her testimony was that Jim Rodes had a mistress of the name of Lena Singleton, but no mistress named Madeline Pollard.

Every one in Court seemed in a state of subdued excitement when the last words of the Miller deposition were read, and Lawyer Stoll gave a long, long sigh of relief.

Ben. Butterworth, chief counsel for the defense, relieved the audience of all suspense by abruptly remarking: "Colonel Breckinridge, you may take the stand."

That was the signal for a great stir and subdued confusion, which was not confined to spectators alone. The jurymen seemed to awaken out of a state of lethargy. Every "peer" of the white-haired Colonel straightened up in the jury-box, and were alert as scared rabbits. Every ear, every eye in the courtroom was on a strain until the witness had briskly drawn himself from the table and was standing with



a fresh, new Bible in his hand waiting to be sworn. As the clerk pronounced the words of the oath Colonel Breckinridge gripped the Holy Book tightly with both hands and looked very, very solemn.

Once the murmuring audience had seen him and realized that the sensational features of the case were to be resumed, there were anxious looks for the plaintiff.

"Where is she?" was the constant query.

Everyone knew that she wanted to be present and to face the man whose testimony was to blast her reputation even as she claimed he had blasted her life.

The distinguished witness, distinguished in appearance, distinguished in name and in station, remained standing after he had taken the oath, and kept one hand on the Word of God. He had no hesitation in his manner nor in his voice. It was as calm and silvery as if he had arose in the halls of Congress to deliver an eulogy upon a departed colleague, instead of arising to unmask the secrets

#### OF AN ILLICIT PASSION.

To most men it would be an ordeal. But it did not seem an ordeal nor an unpleasant task for W. C. P. Breckinridge. He even smiled as he proceeded with his story. His manner was easy, his words came in silvery precision, and he did not hesitate for soft and pleasing sentences.

It was all easy, so easy that he anticipated the questions of counsel and went on with profuse explanations and off-hand observations, making, in fact, a short speech in reply to every question which Major Butterworth proposed.

He had not gone far in his nonchalant discourse before he observed that the audience was looking away from him. All eyes had turned from him toward the door.

He knew the cause of the murmur and the sudden turning of heads.

He too turned his head in the same direction and met the gaze of Madeline Pollard. He gave but one short, quick, comprehensive look and then calmly resumed his story. Madeline sat down directly in front of the witness. She watched him closely for a time with a subdued, soft look, as of one in distress or in despair. But she did not

look discouraged. Her manner was no less composed than his, and she did not seem inclined to criticise his statements or to offer any public demonstration even when he should absolutely deny what she had claimed in her story of two weeks ago. Finally, after a few minutes of watching, she let her head rest in her hand and seemed absorbed in her own thoughts.

After telling the brief biography of his life, with a reference to his service in the Confederate cavalry, Colonel Breckinridge drifted easily into the events which had made up the thrilling story of this case.

As professed by Joe Shelby in his statement to the jury, the defendant denied that he had forced his acquaintance upon the plaintiff. In short, in reply to the questions, the Colonel made a long series of denials, so long in fact that for several moments all of his sentences began with "No" or "Not."

When it came to the story of the first carriage ride in Cincinnati, the denials to Madeline's story came thick and fast. It was "No, no, no. Never, never, never," until the audience was aghast at the thought that somebody had been doing some very

#### TALL AND VIGOROUS LYING.

Colonel Breckinridge seemed ready to deny everything save Madeline Pollard's existence.

Throughout his denials, explanations and sweet little speeches to the jury, he would occasionally turn and almost bow to Madeline, as if to use her presence as an emphasis to his statement. In fact, he would look at her as if to ask for a confirmation of his story, and she, poor, modest, humble-looking little woman, would look straight up at him until he would turn his head away.

When asked if he had mentioned the name of his first wife during his first meeting with the plaintiff, Colonel Breckinridge assumed an injured air, almost an air of indignation, and then protested in pathetic tones that he had in no way spoken of his sorrows, nor referred to his dead wife or his dead baby boy.

"Did you make love to the plaintiff?" was a direct question which was first answered by a negative shaking of the head, and then the Colonel proceeded to explain and to infer that love-making was not

necessary. He could not tell just all that was said in the carriage. He had not forgotten what she had told him during the day—her admission that she had already been ruined by Rodes. In an easy manner the Colonel led his listeners to believe that from the start Madeline Pollard had lured him on, that she had written for him to come, that she had proposed a carriage ride, that she had suggested a ride rather than a concert, that she had first spoken to him of immoral things—it was always the woman who had made the first suggestions, according to the testimony of Colonel Breckinridge.

He was, to hear him talk to-day, a passive slave in her hands: he a man of 47, she a girl of 17.

It would appear from his story that she had planned the carriage drive and had

#### ENSNARED HIM WITH HER WILES.

It did not take long to tell the story of sin and shame. Colonel Breckinridge did not tell it with any confusion or blushes. There was no sorrow or shame on his face as he told his version of that carriage ride in Cincinnati, which was the turning point in two lives.

She took off her hat—

I put my arm around her—

I drew her to me—

She said nothing—

There was no protestation on my part—

There was no objection by her—

No offer of love by me—

I was a man of passion—

She was a woman of passion—

Such was the brief story, the story told without a tremor, without a moment's hesitation and without a bit of emotion.

Then the witness went on to explain in one of the silvery little speeches which promise to be many before his trial is done: "There was no seduction," he continued.

"No seduction on either side. It was simply a case of human passion," and the defendant appealed to the men, the human beings on the jury, as if to tell them how "human" he was, and then he added: "She made no objections, made no outcry."

Such was the story.

It was all told when the word "complacent" had been uttered.

Summed up in these few sentences was the defense. Every one knew that the defendant had justified his position by claiming that Medeline Pollard was not an innocent woman.

#### WHEN FIRST THEY MET.

The witness then went on to tell how he had thrust money into her hand, how she had declined it; how he had insisted, and how as she left the carriage he had himself tightened her fingers over a ten-dollar bill.

Such in brief was the closing scene of the day.

There was a long argument over the disputed letter and it was finally shown to the jury after Judge Bradley pronounced it a "shadow" and discounted its value in the case.

There was a dense mass of humanity at all the courtroom doors when the defendant walked out alone, and looked around for some of his friends. "That's the Colonel," was said rather loudly, and the crowd moved back to let him pass.

Madeline waited with her lawyers until the courtroom was nearly empty. She did not look sad or disturbed after the ordeal of accusation. She remained wonderfully composed and went out disdaining to look up as the curious spectators silently stared at her long after she had left the room.

#### THE SILVER-TONGUED ON THE STAND—INTERESTING COURT SCENES.

The attorneys for Madeline Pollard began the proceedings in the great trial to-day with the request that the regular order of proceedings might be varied by permitting two witnesses for the plaintiff, who had been waiting in the city for a week and whose private business demanded their attention at home, to testify at once. The lawyers retired for a conference, and on their return announced that the request had been agreed to.

The first of these witnesses was a round-faced young man, John Beuckhart, of Lexington, Ky. Attorney Farrell, of the same city, conducted the examination. It developed that in 1882 the witness had lived at the northeast corner of Third and Upper streets, in that



town. Witness described in detail the houses on that block fronting on Third and Upper streets, and identified a diagram of that locality. This is the block in which Lena Singleton is said to have lived, but the witness testified that at no time between April, 1882, and 1887 had such a person lived there.

Attorney Stoll wanted to know what this had to do with the case, and Attorney Farrell reminded him of the testimony of "your friend Brandt."

From cross-questioning it appeared that the neighborhood was a rather shady one, there being two or three houses which John termed "sporting" houses in the block. Some of them he had never visited, while to the others he had been

#### AN OCCASIONAL VISITOR.

"Have you been indicted down there?"

"No sir."

"You need not answer that," interposed Judge Bradley.

When Attorney Stoll dropped into the Kentucky vernacular, asking about a "nigger grocery" kept by a Mrs. Ellis, who had summoned the witness to Washington for Mr. Farrell, Judge Bradley eyed him askance. Then when Mr. Stoll proceeded to ask how many conferences the witness had held with the attorneys since he came to Washington, Judge Bradley said that it was entirely inconsequential, and that a lawyer who did not confer with his witnesses would be neglecting his duty.

Mr. Stoll remarked that it would depend upon how many conferences were held, but let the line of questioning drop.

The second witness was a tall, bewhiskered colored man, Stephen Dunn by name, who deals in furniture and lives at 162 North Upper street, between Third and Fourth, in Lexington. He gave the same line of testimony regarding the people, and had dwelt in the vicinity since 1879, when he moved there. He was confident that Lena Singleton had never lived there, if she had, that he would have known it.

The deposition of Mrs. William J. Miller, of Memphis, Tenn., who claimed that she and Miss Pollard had been inmates of Lena Singleton's establishment in Lexington, occupied the Court until after the recess. Then Mr. Butterworth arose and said: "Colonel Breck-

inridge, will you take the stand?" and the commotion which ensued required all the efforts of the Bailiff

TO QUIET THE NOISE.

Colonel Breckinridge declared that he was born near Baltimore, in 1837; that his father Robert J. Breckinridge, soon afterward moved to Jefferson, Penn., to accept the Presidency of the college, and in 1847 to Lexington to take the pastorate of the Presbyterian Church. He had taken his diploma at Center College. He had practiced law only at Lexington, after studying in the office of Madison C. Johnson, and in Louisville, at the law school, a diploma from which was a license to practice.

"When were you married?"

"On St. Patrick's Day, 1859."

"How long did your wife live?"

"She died in April, 1860, after the birth of her first child."

"Were you in the late war?"

"I was."

He told of his various services in the Confederate army under Kirby Smith; how he had risen to the rank of Colonel, and surrendered his regiment of Kentucky cavalry at the close of the war. He was married the second time the night the Federals occupied Lexington, to Miss Desha, September 19, 1864. He had five children, four living. One son and one daughter were with him here.

Here Miss Pollard and Sister Ellis entered, taking seats before the bar to the right of the defendant, amid a subdued rustling in the courtroom,

Colonel Breckinridge continuing, said that he had practiced law with Attorney B. F. Butler from 1874 to the time of the appointment of the latter to the bench. As a matter of duty he had served on the local school board, afterward been County Prosecutor, was a member of Board of Trustees of several educational institutions, among them Center College, but had never been a teacher except in a law school to which he lectured.

"Do you know the plaintiff?"

"I do."

"When did you first meet her?"

“In the spring of 1884. It was a cool morning on a train between Lexington and Frankfort. I had an overcoat on the back seat of the car, and, as I passed down the aisle to get it, she accosted me in a

PERFECTLY PROPER WAY.

I said: ‘I suppose I ought to know you, but young persons grow up so on us we forget their faces.’ She said: ‘I am Madeline Breckinridge Pollard;’ that her father admired my father; that if she had been a boy he would have named her John B. As it was, he gave her the middle name of Breckinridge. She said she was going to a sister who was dying of consumption. I expressed my sympathy and passed on.

Q. When did you next meet her? A. I do not remember exactly. I received a letter from her. I have lost that letter, but the substance of it was a request that I would call on her at the college on some business of great importance to her. The substance of my reply was that it would be inconvenient for me to call at the college, but if I could give her any advice I would be glad to do so, and if she was in Lexington she might call.

Q. Did you receive another letter? A. I did.

Q. Is this the letter? asked Mr. Butterworth, handing up the black-bordered epistle. A. It would be affectation for me to examine that. I am familiar with it.

This provoked a tilt over the letter, Mr. Wilson contending that it had not been proved to have come from the plaintiff and Mr. Butterworth asserting that unless the Supreme Court was in error it was on several grounds

COMPETENT EVIDENCE.

Apart from the letter, Colonel Breckinridge continued, he could not relate the conversation concerning it which he had with the plaintiff when he called at the school a few days afterward. He could not well give the purport of the conversation concerning the letter apart from the rest of their talk.

“The plaintiff,” he began, referring always to Miss Pollard by the legal term, “the plaintiff said, ‘I suppose you were surprised to receive such a letter from a school girl.’ Laughingly I responded that perhaps she over-exaggerated the importance of the matter. Then

she said, 'But all this time you are standing;' and invited me to take a seat."

"Now we propose," said Mr. Butterworth, "to offer this letter to the jury, that it may examine it and compare it with the admitted specimens of the plaintiff's handwriting in evidence. Even if we had produced no expert testimony on the point under the ruling of the Supreme Court it would be admissible."

Singularly enough, the ruling which the attorney proceeded to quote was by the great namesake of the presiding Judge, Justice Bradley, of the United States Supreme Court. As the argument was taken up, Colonel Breckinridge sank back into a chair, apparently glad of an opportunity to rest. His face was flushed, and, while testifying, his eyes frequently had roved over toward Madeline Pollard, or swept beyond her to the background of eager, gaping men, but for the most part he kept his face turned toward the jury. He had leaned forward, with right hand resting on the witness box and left elbow on Judge Bradley's desk, a foot above the level of the worn wooden box. His tones were melodious and silvery, but noticeably tremulous as he detailed the incidents of his early life. A great wave of snowy hair swept carelessly

#### HIS FLUSHED FOREHEAD.

His beard beneath was carefully trimmed, a small black clerical tie surmounted his expansive shirt front of glittering white, and the lapels of his black cut-away coat were flung open. When permitted to take the chair he shaded his eyes for a moment with his hand, smoothed his forehead wearily, and leaned back with his head on one side listening to the argument meditatively.

Ex-Judge Jere Wilson, who replied to Major Butterworth's argument as to the admissibility of the letter, began by explaining that he was confronted by an unexpected situation, since it had been his expectation that the letter would have been offered in evidence at the close of the expert testimony. His argument was that this case differed radically from one in which the authenticity of some paper or legal document was attacked by a plaintiff. Here was a defendant endeavoring to introduce in evidence a letter alleged to be from the plaintiff, which she absolutely denied. Until the Court had passed



upon the question whether it was competent evidence, the letter could not go to the jury.

It was a question, according to the attorneys, between the testimony of the two experts, based merely upon their opinions, and the flat denial of one who knew, and the only one who could know, whether she had written it. This train of thought led up to the discussion of the value of expert testimony, against which Mr. Wilson opened the batteries of his eloquence, fortified by an opinion from the late Chief Justice Carter, of the District Supreme Court. Meantime, upon Mr. Calderon Carlisle devolved the duty of keeping an eye upon his client beside him, whose breast was heaving, whose cheeks were flushed, and whose manner betokened agitation.

One of the opinions quoted by Judge Wilson dealt with the testimony of expert Edwin B. Hay, of whom the Court had said that he gave himself a specious introduction.

"Now we are coming to our friend," Mr. Wilson remarked, and Colonel Breckinridge broke into a quiet smile, while the rest of the courtroom laughed; "and now we come to that Washburn-Springer report which you wrote," said Mr. Wilson, turning to Mr. Butterworth.

"That was a good report, but I did not write it," retorted Mr. Butterworth.

"My dear friend, that is in your own handwriting; I am expert enough to know that," Mr. Wilson replied.

Messrs. Butterworth and Wilson, it may be remarked parenthetically,

#### WERE IN CONGRESS TOGETHER.

The substance of the opinions quoted by Mr. Wilson was that expert evidence was the most unsatisfactory sort with which courts had to deal, and that experts were prone to be warped in their opinions by their fees. After the argument Judge Bradley said that the testimony of the experts tended to show the authorship of the letter, and inquired what there would be for the Court to do if there had been no expert testimony, in view of defendant's testimony that he had received in due course of the correspondence, and had afterward held a conversation with the plaintiff based on its contents.

Either the testimony of the defendant, or that of the experts, he

thought, would justify the admission of the letter to the sight of the jurors, allowing them to judge of the evidence for and against its authenticity for themselves, aided by their own powers of observation and comparison with the admitted specimens of the plaintiff's handwriting.

Recontinued: "It appears that this is largely a dispute over a shadow, as the contents of this letter have been published by the press, and the jury are probably intelligent men and readers. Newspaper enterprise is a good thing, but in this instance it was enterprise with a vengeance. It was contempt of Court, and was a gross impropriety to publish it before it was given to the jury. I presume the reporters were not aware of the impropriety of their act, which must have been committed within the precincts of the Courts. The letter would have been admitted any way, but suppose it had not been, and the jury had read it? Great harm might have been done by the action."

After these admonitions, Mr. Butterworth read the letter, which has already been published.

This finished, Colonel Breckinridge rose again, and described what had become of the letters. He had kept three files—one at his house, one at his office, and one partnership file. It was his recollection that the two had been placed in the file at his office. Returning to his visit to the Wesleyan Seminary, the defendant explained that it had been made while on a business trip to Covington, on Friday, the 1st of August. There being no hotel accommodations in Covington, he had gone to Cincinnati to stay over night. After dinner, remembering the letter of Miss Pollard, he strolled up to the college.

"I sent my name up," he said, "was invited into a room, and in a few moments the plaintiff came down. We shook hands. She said she supposed she had astonished me by the substance of her letter; that it was worse than a divorce case. We took seats, she on a divan, I on a chair, in the rear of the room. She narrated the circumstances under which she had made

#### THE AGREEMENT WITH MR. RHODES.

Until then I had not known who her mother was. I had known her father, but not who he married. As soon as she told me she was

living with her aunt, Mrs. York Keene, I knew who her mother was, because her uncle, York Keene, had been in my brother's regiment. Because her father had died in straitened circumstances, and her life with her aunt had not been pleasant, she wanted to leave. Mr. Rhodes had fallen in love with her, but she had respected him as an older man, but had not loved him. She wanted to know whether he could compel her to marry him. I treated the matter with some levity; said I knew of no law in this day by which she could be compelled to the specific performance of a marriage contract. She grew grave, looked as though she felt like crying, took out her handkerchief, put it to her face and I got up and walked the room. I asked her if her mother was alive. I had not seen her mother; I never have, in fact, but she said her mother had not approved of the contract, and it had made unpleasantness in the family. I spoke of her grandfather. I knew her grandfather and her uncles. We had ceased to walk the room; she was sitting on the divan, and I was standing beside her. I started to leave, after some expressions of sympathy, but she detained me. She said (the plaintiff did): 'It's much worse than that; it's much worse than that. He insisted on marrying me. I did not want to be like Aunt Lou, with a houseful of children and unable to educate them.' She put her handkerchief to her face."

Colonel Breckinridge spoke very slowly, and reproduced the mournful tones which a young woman might use in making such a confession. "She said: 'I gave him a higher proof than that contract.' Then I said she ought to marry him anyway. She said: 'I can't; I have grown away from him. I know what other men are, and his very presence is offensive to me.' I replied: 'You can't afford not to marry him, a young girl as you are.' Then the conversation drifted away. There was nothing more that I could say. She seemed to have said all that she cared to."

There was an exquisite minor key of retrospective pathos as the Colonel sunk his voice

#### THROUGH THESE PASSAGES.

"The conversation drifted away," he repeated reflectively, fingering the Bible at hand. "As I stood there with my hat in my hand she said: 'I have set my heart on becoming an authoress.' I said:

‘I don’t see why you can’t do that; but you must remember that this double life—’” Here he assumed the stern tone of a moralist, a man stainless, above reproach, reproducing the paternal, advisory manner of the counsel he said he gave to the young woman.

“‘This double life,’ I said, ‘may come up against you any time. He has you in his power. A young girl can’t afford that. You should marry him as soon as you can.’

‘She said: ‘I won’t do that now, anyway; no danger of his giving me up.’

“Then she spoke of an entertainment on Vine street. She said a cornetist was to play. I have been going to Cincinnati ever since I was a boy, but I never knew which one of the hills vine street was on. She said, in an entirely proper way—perfectly proper (Colonel Breckinridge seemed anxious to make assurance doubly sure on this point)—that we might ride. I asked if they would let her go. She said she was a summer boarder, and she knew of no rule against it. Then a young man came into the room whom I recognized as Mr. Brown, for although I did not know he was connected with the school, he had represented Jessamine County in the Legislature. We shook hands, and he said it would be perfectly proper for us to go. Then I took dinner at the Burnet house. After dinner I walked up to a stable and selected a carriage without any particular thought about what kind it was. It was a warm August evening. There was quite a little group on the portico.” Nothing was said about a closed carriage or about my having a sore throat, no allusion whatever, no excuse, nor any reason for any excuse.”

In the mild, deprecatory gesture with which the Colonel brushed away the breath of a suspicion of impropriety from his action at that time, he knocked a tumbler from the stand with a crash which startled the room, and men looked around apprehensively as though they thought of Kentucky shooting irons.

“We started in an entirely proper way,” he resumed. “Any excuse would have been wholly out of place, nor was any reason asked.”

For the first time the flow of silver deprecation was harshly torn by the matter-of-fact query of Major Butterworth: “How long were you at the college that afternoon?”



"Oh, about an hour or an hour and a half. There was a light conversation which deepened into a tense, grave conversation, and afterward became light again."

"Did you speak of going to Lexington the next day?"

"Nothing was said about going to Lexington that day, and the next day when I started for Lexington I was surprised to find her on the train."

"What do you know about any bogus telegrams?"

"I never heard of any such telegram until after this suit was brought. There was no way I could have sent any bogus telegram. This is entirely new to me."

"What do you know about her going to Sayre Institute in Lexington?"

"I knew nothing of it whatever until afterward. Nothing whatever in any way."

"How long were you driving that evening?"

"I can't say, Butterworth. We got back before the school was closed. Just about ten o'clock."

"Did you have any conversation

"ABOUT YOUR FIRST WIFE?"

"None whatever. My first wife was not alluded to. My dead little boy was not mentioned. There was no allusion to my family surroundings in any way."

"Did you make protestations of love to this woman?"

"I did not."

"Did you go to any concert that night?"

"We did not."

"What was there in the conversation, bearing, dress or appearance of the plaintiff to indicate that she was not a girl of mature years?"

"She seemed to be a young woman of 20 or 22. She might have been 19. She was a fully grown woman, of perfectly proper manner," (glancing for the first time at the plaintiff), "very deferential: very."

"Anything to indicate that she was not a proper woman?" asked Mr. Butterworth.

Colonel Breckenridge wanted none of his hearers to cherish a suspicion that he would have ventured forth with an improper person.

His disclaimers were repeated, and in his softest tones, "not the slightest," he replied, "not the slightest. Her conduct was entirely correct. Nothing was said about her peculiar relations to Mr. Rhodes."

There was a marked inflection upon the word "peculiar" as if Mr. Breckenridge did not wish to speak outright of such things as those relations. Returning to the drive, he continued: "We took the left-hand road at the top of the hill because she said the right hand road through the park was made uncomfortably hot by the gas lights. So I told the driver to turn to the left."

"Were the windows of the carriage open or shut?"

"They were open," replied the Colonel, and then, without prompting, he came to the heart of his narrative.

"After we had driven some distance," he said, "and she was talking at some length about her desire to go into journalism, to be an authoress, and we had spoken of George Eliot, she took off her hat and put it on the front seat. I put my arm around her. There were no protestations on my part, no offer of love. What occurred, occurred in the natural way. I put my arm around her and drew her to me. I was a man with passion. She was a woman with passion.

"Just a case of illicit love?" broke in Mr. Butterworth.

"That was it, Butterworth. I am a man, she a woman: human, both of us."

Continuing: "That was going out. Coming back there was hardly a word spoken until we got close to the city. Under the gas-light I took out of my pocket a stamped envelope. She was on my left hand side. I put my hand in my pocket and put something into the envelope. She refused to accept it. I said: 'There are a great many little things you need.'

"What was in the envelope?" Mr. Butterworth inquired, but the Congressman ignored the interruption, continuing:

"As we got out I put it into her hand, closed her hand on it and bid her good night."

"What was it?" repeated Attorney Butterworth.

"It was a bill. I think a ten-dollar bill."

“Adjourn the Court,” shouted Judge Bradley, who had sat through the narrative with his head averted and eyes closed, and the Court adjourned.

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### SIXTEENTH DAY OF TRIAL.

*Second day of Colonel Breckinridge's testimony—The silver tongued gives his version of the engagement with Miss Pollard—Claims he admitted it to protect Miss Pollard's name—Denies Miss Pollard's story in every detail—When he seeks to blacken the girl's character she breaks down with indignation—Oh! make him tell the truth, she sobs—Highly dramatic scenes and incidents.*

#### COLONEL BRECKINRIDGE CONTINUES HIS ATTACK UPON MISS POLLARD.

There was an audience awaiting the second appearance of Colonel Breckinridge on the witness stand to-day, whose interest in him and what he would have to say was more intense than that of any audience he had ever faced before. Foremost in it sat the plaintiff and her elderly companion, Mrs. Ellis; back of them, in double rows, the lawyers in the case, and also Desha Breckinridge, the son to whom the defendant had referred in affectionate terms while detailing the members of his family yesterday.

Further beyond were two long rows of newspaper men and sketchers waiting to transfer to paper the different attitudes of the Congressman-witness and then the ranks of spectators, most of them members of the bar. No time was lost in sending the witness to the stand, and then Mr. Butterworth handed up the work-basket which had belonged to his second wife and which Miss Pollard said he had given her with affectionate words. He recognized it.

“My wife was a Miss Desha. She died in July, 1892,” he said. “I last saw the basket in my rooms on H street. I have no recollection when. The statement made by the plaintiff was that when I left Washington after the session of Congress, I went with her to the train, that I gave her the basket then with affectionate words. I did not go to Miss Pollard's house that night. I did not ride with her in the herdic to the depot. I did not give her the basket

## UNDER ANY CIRCUMSTANCES.

The voice of Colonel Breckinridge, as he made this denial, was soft, cool, and measured as carefully as it had been throughout his testimony the day before. Miss Pollard was sitting very straight in her chair with her eyes fixed sharply on him, but he directed his replies entirely to his questioner, who sat between Miss Pollard and the jury.

Mr. Butterworth then asked: "When did you first learn that the basket was in the possession of the plaintiff?"

Colonel Breckinridge—"I learned a day or two before the trial that a basket was in her possession. What basket it was I did not know, nor did I have any knowledge where the basket was until it was produced at the trial."

"Have you any knowledge how this basket got into her possession?"

"I cannot say from personal knowledge how the basket came into her possession, nor did she receive it with any knowledge or consent or connivance on my part."

Mr. Butterworth then left the question of the basket and directed his questions to the details of the meeting between the witness and Miss Pollard and the circumstances of the visit to the house of Sarah Gess.

"I wish you would give an account, Colonel," said Mr. Butterworth, "of your trip to Lexington on the afternoon of August 2, of which you spoke yesterday, when the plaintiff was in the train."

"I found the plaintiff in the car when I got into it. I found the car was crowded and I found the plaintiff sitting near the door

## AT WHICH I ENTERED.

I spoke to her and the conversation resulted in an arrangement by which we were to meet that evening in Lexington."

"In answer to a further question," he stated, "an arrangement was made that we should meet at the house of Sarah Gess. The arrangement was carried out by going in the street car."

Q. State what took place between you and the plaintiff then. A. We knocked at the door several times. When no one responded a little talk took place between the plaintiff and myself as to what to do.



One suggestion was that she should go to the door of a friend, where she expected to spend the night. Another suggestion was that she should wait a little while, it being Saturday night, and it being the custom to do a little marketing that night. The conclusion was that she should wait and I should go to my home, and if Sarah Gess returned in a reasonable time, I would find her there.

"I had supper with my family that night. There was a torchlight procession and some speeches, but I did not make a speech myself. I walked back to Sarah Gess's, and found the plaintiff there. There was to be an election the next Monday, and there was some feeling on both sides."

"Had you made an arrangement to go to Sarah Gess's, as the plaintiff said?"

"None, whatever."

"Was there any conversation about her schooling, and inducements of help held out by you?"

"None, whatever."

"Was there any resistance or protestation on her part against what was done there?"

"None, whatever. We merely carried out the arrangement made on the train. She preferred to remain in the house and avoid any risk or questions which it might be inconvenient to answer. I returned the next night, Sunday, with some uncertainty whether I would find her there, as she had said

#### IF SHE COULD SLIP AWAY

Without risk, to the house of her grandfather or uncle, she would do so. I found her there, however, as she said she had dared to take the risk of going away by daylight. I remained until about 10 o'clock that night."

"Was there any reference to Rodes?"

"I cannot recall any. Possibly there was in those two evenings."

"Did you see her Monday morning?"

"I did not."

"What was there in her conduct or appearance to indicate that she was not a matured young woman?"

"Nothing whatever. She was a fully developed young woman, with

nothing to indicate that she was not experienced in the relations of the sexes."

"Was anything ever said about her being seduced by you, or, as it has been said here, that she seduced you?"

This question stirred a laugh, at which Judge Bradley looked up from his writing and rapped sharply.

"As to the first," said Colonel Breckinridge, smiling in an embarrassed way, "of course nothing was said. Nor until the filing of this suit was anything ever said to the effect that I had seduced her physically or otherwise."

The witness said that from that time until he met her with other schoolgirls of the Sayre Institute in Lexington, the next October, he had not seen nor heard of Miss Pollard.

"The two old ladies with whom she boarded there were perfectly proper, most estimable and respected persons. If the plaintiff received any one in her room there at nights, as she had said, I know nothing of it. It was not I."

While Miss Pollard was absent from Lexington during the spring of 1885, when she said that her first child was born, witness declared that he had no knowledge of her whereabouts and no communication with her. If she had written him under the nom de plume of Margaret Dillon he had not received the letters nor any Box Number 47.

"Did you pay the plaintiff anything when you parted from her at Sarah Gess's?"

"I cannot use the word pay," replied the Colonel, considerately. "I paid the expenses at Sarah Gess's and presented her a sum, not very large, but enough to pay

#### HER TRAVELING EXPENSES."

Continuing, he denied all knowledge of the correspondence to Rodes alleged to have been written, dated from New Orleans and other places in the South by Miss Pollard under his direction, nor had he ever written a letter purporting to be from her to her mother or any other person. Their handwritings were so dissimilar that it would have been out of the question.

The letters from Miss Pollard to Rodes, which were read in Court, he had procured from the sister of Rodes through Attorney Tenny, of

Lexington. He had never seen Dr. Mary Street, of Cincinnati, now Mrs. Logan, and, referring to her description of him as a small man, he said: "I was no more of a pigmy then than I am now."

He described in a general way his movements in the year 1885 until he met Miss Pollard in August or September, asserting that he had no knowledge of where she had been or the reason for her absence.

In his boyhood he had been acquainted with Mr. Rodes. Instead of being in Cincinnati on Saturday, August 17, 1884, when Miss Pollard had testified they met at the public library and afterward visited an assignation house, he had been engaged in Court at Winchester in the trial of Ollie Brown, for murder. The next week and all that month he had been greatly engaged.

"Did you meet Miss Pollard after that first meeting, in the fall of 1884? I mean improperly—an assignation?" asked Mr. Butterworth.

"On the 11th of October I met her in a house in Cincinnati. She came from the western part of the state and I from the East. I met her at the Grand Central Depot in the morning and we went to Mrs. Rose's house, where we were some time. I went out on business, and returning after supper remained several hours. I returned to Lexington in the morning and she went there by another train."

"Did you present her any money?"

"I paid the expenses, whatever they were."

The Congressman was able to fix that date because there was a great Republican meeting at which John A. Logan spoke.

"You did not have the advantage of attending the Republican meeting?" said Mr. Butterworth.

"It might have been an advantage to me to attend a Republican meeting. I saw the plaintiff occasionally, but not frequently," continued the Colonel. "During the months of November and December, 1884, and January, 1885, I saw her in both senses, on the street and in the house I have spoken of. After the 4th of March I was in Washington several days to introduce to the President some gentlemen who were

#### WILLING TO SERVE THEIR COUNTRY.

My wife's mother was in poor health, and I returned on her account. She died on the 24th of March.

"The first time I ever had any information from the plaintiff that

she had been pregnant was in the summer of 1887. The first time I ever heard that her pregnancy had carried her to Cincinnati was in the fall of 1892, when she desired me to obtain an office for a lady on the ground that her brother had been her physician on that occasion."

"When did you learn that she was pregnant on that occasion by you?"

"That was in the summer of 1887, when she first told me of her pregnancy."

"Did she tell you the result of it?"

"Her information to me was that it had been a legitimate miscarriage—not an improper miscarriage; that it had occurred with her mother's knowledge, under her mother's supervision; that it was through her mother that loss of character had been avoided and secrecy secured."

During this passage Miss Pollard's friends had great trouble in preventing her from making an outcry.

Mr. Butterworth continued: "How often did you see the plaintiff in the fall of 1885?"

"Occasionally, but not often. How often I can not say."

Describing his movements in 1885, Colonel Breckinridge spoke of his connection with the Morrison bill in Congress, a barbecue given him by his constituents and his attendance upon Confederate reunions.

"I am unable to recall a single instance when I saw the plaintiff in the year of 1886," he continued, and then, telling how he had happened to stop at Miss Hoyt's, in Lexington, where Miss Pollard boarded, he said that the noise at the Phoenix Hotel kept him awake at night, and that a friend had recommended the boarding house to him as a quiet place.

The fact that Miss Pollard was stopping there had nothing whatever to do with the change. He was receiving a large mail of daily papers, with some books, a part of which he turned over to the estimable old ladies, to Miss Pollard and to another young lady there. He did not advise her concerning her reading.

"During that time were there any improper relations between you?"

"None whatever. We met just as I met the other ladies. There



was no suggestion by word or syllable that improper relations had ever

EXISTED BETWEEN US."

"The plaintiff has said that it was on account of your importunities she came to Washington. How was that?"

"I did everything I could to prevent her," said the Colonel impressively, "and to prevent an open breach and scandal."

"Where did you first learn of her purpose of coming to Washington?" Mr. Butterworth inquired.

"In Lexington," replied the witness.

"From whom?"

"From the plaintiff."

"When was that?"

"About the third or fourth week in August."

"Up to this time there had been a resumption of your improper relations?"

"None whatever," was the reply, and in answer to a question as to whether they met frequently, he said that he had seen her occasionally in the sense of meeting her on the street. Continuing, Breckinridge said: "After my return to Lexington from Nicholasville our relations were resumed, and I met her at the same house as before in the latter part of July, 1887. It was after the accident in which she was thrown from her horse. Soon afterward she came to me and said she had made up her mind to leave Lexington because she could get no employment there and because she was pursued by gossip about her relations with Rodes. She said she had consulted Senator Beck about coming to Washington, and that he had said it was not a good plan for her to come to Washington; that it was the worst place for a young woman to come. I protested against her coming. She said one morning that it was absolutely necessary for me to see her, and I met her that night, when she said she feared she was pregnant; that it was not at all a matter of certainty, but that if she was so, there was nothing else left for her to do but go somewhere."

"Stop there," interrupted Mr. Butterworth. "Did she say the pregnancy was by you?"

"Of course. The conversation was excessively unpleasant. I refused to furnish the money. It was a matter of doubt. Only two

months had passed since our relations had been resumed. I told her that for her to come to Washington might be disastrous to herself and to me. Afterward I repaid the money which she borrowed to come to Washington. The conversations were excessively unpleasant. It was some time in the month of September, 1887, that she came.

“I reached here on the evening of November 8th, and returned to Lexington the next day. I saw the plaintiff on the street near Washington circle. She informed me that she was in a Catholic institution at that end of the town, and said there was no doubt of her condition. I returned to Washington the first Sunday in December, but did not see the plaintiff for three months. The plaintiff had moved to the Academy of the Visitation, on Massachusetts avenue, but I

#### SAW HER AT THE CAPITOL.

“Were these changes made in pursuance of your suggestions?”

“They were not. I received several letters from the plaintiff saying that her health was very bad. I sent her money at the general delivery—whatever she wanted. She controlled that.”

“The plaintiff has said that on two occasions, after protestations of love, you said you would marry her if it was possible.”

“There is not a scintilla of truth in that statement—not a shred. Under the circumstances, at no time was there such a statement. The plaintiff never alluded to the possibility of it. Before the death of my wife there was not a solitary word that could be distorted into such a thing.”

The Colonel was very deliberate and emphatic, and continuing, declared that she had never told him she gave birth to a living child, nor did he believe it until he heard the testimony of Mr. Parsons, saying:

“She said that that second time she had a miscarriage resulting from her poor health. If she had told me she had borne a living child it would have given me an excuse to break off my relations with her, for considering the time of these relations, it was impossible that the child could have been my child.”

In paying the expenses of the second confinement, Colonel Breckinridge said at first he had been represented as Miss Pollard's guardian.

When the physician, Dr. Parsons, sent an additional bill, he had said that she better come directly to him, for if she was a reputable physician a professional secret would be safe in her hands, and if she was attempting blackmail, it would be best to face her at once.

Miss Pollard had informed him that at the Academy of the Visitation she had arranged with the good Sisters to teach in return for her board, and she also would receive instruction in some of the higher classics. That seemed an eminently desirable arrangement, for it afforded her protection and quiet.

“During the two years that she was there, were there any improper relations between you and the plaintiff?”

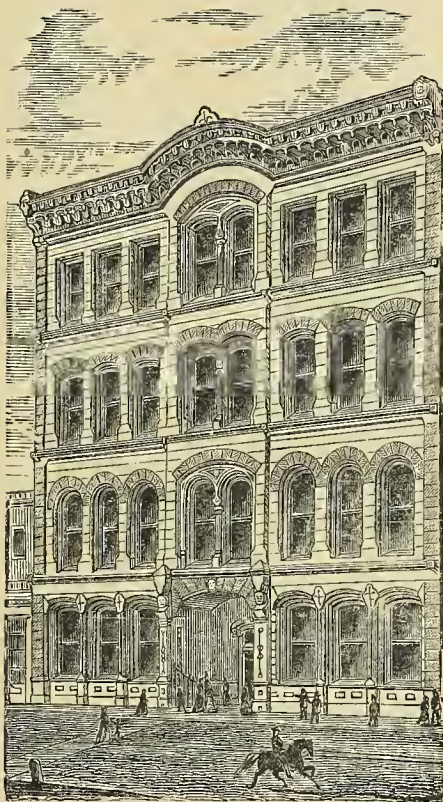
“There were.”

“The plaintiff has said that there was never any suggestion on your part that your relations should be broken off.”

“From November, 1885, to July, 1887, there were no improper relations between us, although I was supporting her. The entanglement really began when she came to Washington against my will. I frequently said to her, as earnestly as I knew how, that the relations between us could only result in public scandal and perhaps destruction of us both: that her character, her lack of self-control, her temper, were such that some day there must

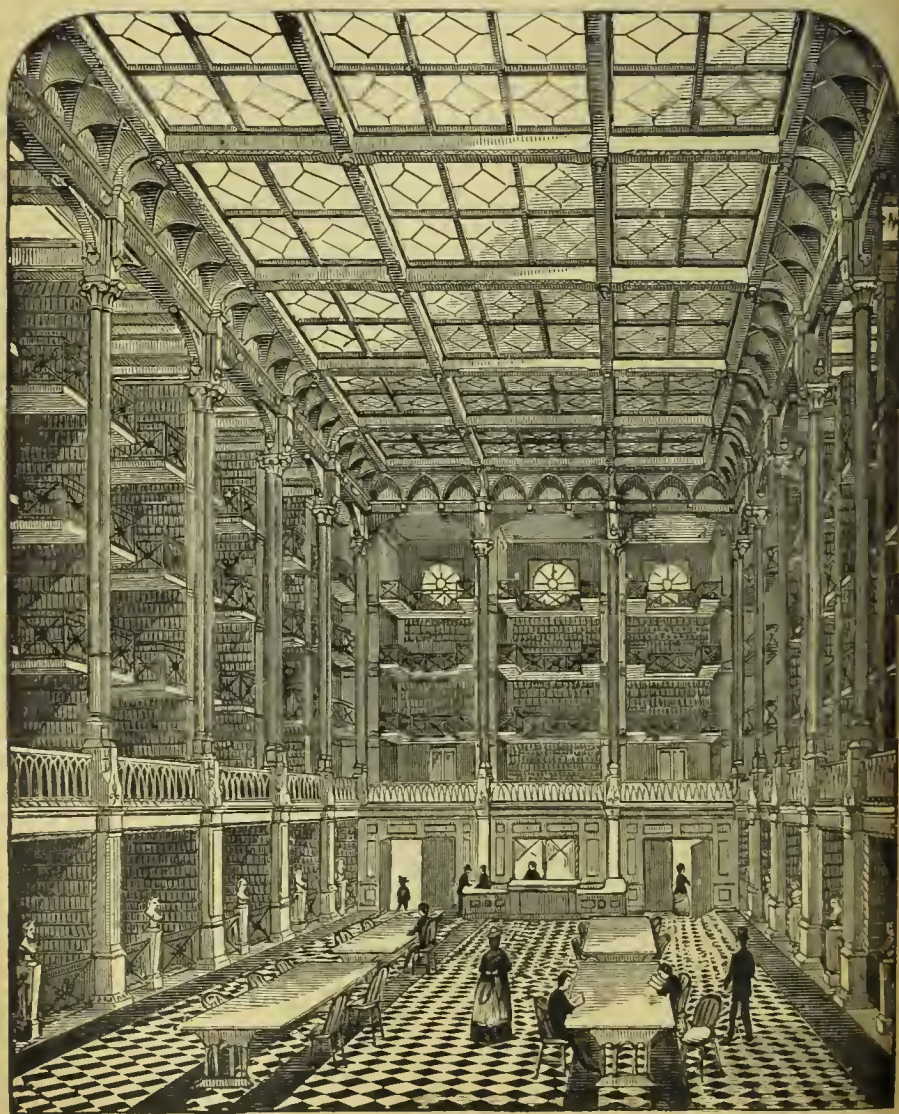
#### COME AN EXPOSURE.

I urged her to go anywhere where she could study, offering to pay her expenses and saying the burden could be no greater on me than it was. Several times I thought she had agreed to go, once to Cambridge. She was there some time and left against my will. Then she told me she had arranged to go on the paper of the proprietor of Bread Loaf, Joseph Battell, in Vermont. Some of our interviews were more excessively unpleasant than any words can describe. She would come to me at the Capitol in my committee room, declaring that she was not going to leave, that she was going to have the support I owed her. I suppose at times I became excessively angry and said things that were hard and bitter. I knew that the only alternative was submission or the destruction of the lives of those who depended upon me, and let it go on, hoping that to-morrow would bring a solution of the problem. I would tell her in every way, from gentle to



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the most severe, that she was becoming more and more disinclined and unable to care for herself. Her manner was oftentimes extremely disagreeable."

Colonel Breckinridge testified that he had never gone to but one lecture with Miss Pollard, had never submitted manuscript of his speeches, lectures, or magazine articles to her, or advised with her on the tenor of them.

"There never was but one human being who ever advised with me in any way concerning my lectures from the time I began to speak and lecture down to eighteen months ago, and that person was not Miss Pollard."

Colonel Breckinridge was referring to his wife and his manner

WAS MOST IMPRESSIVE.

All the persons of the drama were back in their seats, after the noon recess, when Mr. Butterworth quoted the testimony of Miss Pollard that Colonel Breckinridge was concealed in the room when she broke her engagement with Rosselle.

Colonel Breckinridge denied this, explaining that he had never been in Miss Hoyt's house during the Spring in question, nor had he known the existence of Rosselle until he saw the Wessie Brown letter. Much of the testimony regarding the visit to Sarah Guess's house, he declared, was an absolute fabrication, and the person who had fabricated the conversation between Sarah Guess and witness in September last, trying to dissuade Sarah Guess from testifying in the case, was probably unaware that he was then in Washington in the discharge of his official duties.

The applications of Miss Pollard for positions in the Civil Service were identified by the defendant. The first one, for the examination taken in Cincinnati in 1887, did not bear his indorsement, and he said it was a surprise to him. There was another application in December, 1888, and a third in November, 1890, both indorsed by him. The second indorsement said that he had been well acquainted with the applicant for seven years, that she was of good moral character and reputation and that she had been a resident of Fayette County since he knew her.

Her birth was given in the papers as 1866, but Colonel Breckinridge said that entry had made "no particular impression upon him." He

continued: "My judgment was that if she could pass the examination it would be of great benefit to her. If she could not, as I apprehended, it would impress upon her her deficiency in certain rudimentary branches and spur her to study, as I had advised her to do."

Mr. Butterworth next referred to a conversation between the defendant and Mr. Rhodes in regard to the plaintiff, and asked the witness to relate the facts and circumstances of the conversation."

"I met Mr. Rhodes at an election booth," said Mr. Breckinridge, "and Mr. Rhodes alluded to the plaintiff and said he would like to talk to me about her, and we walked to my office. I did not go to Sarah Guess's, where the plaintiff was. I did not notify the plaintiff that I had seen Mr. Rhodes. Mr. Rhodes had been to Cincinnati on the Saturday afternoon, going down on the train corresponding to the south-bound train on which we were going to Lexington, so that the trains passed each other.

"When he reached Cincinnati he was informed that the plaintiff had left Cincinnati, and that I had been to see her the day before. He said to me that he was interested in the plaintiff, that he was engaged to be married to her, and that he had gone down to Cincinnati to consult her in regard to whether she should remain in Cincinnati.

"Rhodes said he had an agreement with her by which he was to educate her—to support her during this time—and then she was to marry him; that in accordance with that agreement he had spent a great deal of money on her—more money than he could afford to spend—but that he had become very anxious as to whether she intended to marry him, and that he had to make some arrangements about taking her away from Cincinnati, because he was very much behind and was

#### BEING VERY MUCH DUNNED.

He said he was getting old, and that if he was going to have a married life it was time for him to see about it. I told him that I had seen her and that she had told me substantially of the same agreement, and that she had not expressed any particular desire to marry him, but had spoken of her gratitude for what he had done and of her respect for him. He said he wanted to marry her, and intended to marry her, for he was very much in love with her.



“During the course of conversation, which was quite long, he said he ought to marry her—not only that he wanted to marry her, but that he ought to do so—that things had happened which made it necessary for him to marry her and that he intended to do so, but that she seemed to have taken a dislike to him. He wanted me to tell him what he should do to bring about that marriage.”

In answer to a question from his counsel, the witness denied that he had related this conversation to Miss Pollard at the time, but said that he subsequently did so.

“Did Mr. Rhodes say what it was that made it necessary for him to marry her?”

Mr. Wilson objected that it had not been shown that the conversation had been repeated, ending that if he could tell with such particularity what Rhodes said to him he must tell what he repeated to the plaintiff.

Much of his former statement was repeated by the defendant, and before he had finished Miss Pollard broke forth, sobbing, and exclaimed: “That is not true! Why can’t he tell the truth about something?”

Judge Bradley admonished her: “If you can’t control yourself you will have to leave the room.”

No attention was paid by Colonel Breckinridge to this interruption, but he continued: “I told her in the spring of 1893 that after what Rodes had told me of the relations between them it would be impossible that any other relation could ever exist between us.”

Then Colonel Breckinridge passed on to the spring before the opening of the Columbian Exposition, when he had declined to deliver the opening address and when, at her request, he had sent her tickets to view the parade in New York. His attention being called to the statement of Miss Pollard that she had returned to Washington from New York at his request in August, 1893; that he had met her at the depot, taken her riding and proposed marriage, he said:

“The plaintiff was not here in August, so far as I know. I reached here on the 29th from Lexington, where I had opened the campaign with a speech. I did not see the plaintiff; she was not here. No such occurrence happened. Going to New York on the 20th of September, I saw her at the Hoffman House for the first time that



summer. I did not meet her at the depot; did not put my arms around her and kiss her; did not say that I had a communication to make that I was vain enough to believe she would be pleased with."

He did not recollect ever having seen the letter regarding her proposed trip to Germany until it was shown on the witness stand by the plaintiff, although he remembered others signed by a lady purporting to be the secretary of Miss Willard. There had been correspondence between himself and Miss Pollard

#### REGARDING THE TRIP.

"We want the witness to produce these letters," said Mr. Wilson. "We have given notice to have them produced."

"I received them and destroyed them," replied Colonel Breckinridge. "She met me at the Hoffman House," he continued, "and told me she had an opportunity to go abroad and study with young ladies of good family, and could go if I would represent that she was engaged to be married to me in two years. This was the first time the subject of marriage had been broached. I said I had not enough money, but would not let that stand in the way; that under no circumstances would I consent to any representations of a marriage engagement. She said that she could go abroad, study the modern languages and come back in two years fitted to be my wife. I said that could never be, that I was not open to negotiations of that sort."

Witness and Miss Pollard had looked over his offers to deliver lectures. She had figured that the cost would be \$100 a month, but he had expressed his willingness to give her \$125 and her traveling expenses. The witness added:

"Her final answer at our next meeting at the same house was that she would never go except as my affianced; she would go back to Washington and be there when I arrived. We parted with considerable ascerbity eventually. At our next meeting she said she did not want to part in that way, that I must not think her a devil or a fiend. I put her into a cab, saying: 'You know there can be no such thing as marriage between us, and this affair, if you persist, can only end in public scandal that will destroy us both.'"

"When did you first hear that the plaintiff claimed you had engaged yourself to marry her?"

“In a communication to that effect in the Washington Post, which I understood was inspired by her, and thereafter I received several letters from her to the same effect.”

“Now,” interposed Mr. Wilson, rising, “We want those letters.”

“I have destroyed them,” retorted the defendant. “I have procured all the letters I have from her to my knowledge. These were replies to those that she may have.”

The testimony then drifted into the circumstances and conversations concerning the efforts of the defendant to induce the plaintiff to leave the city to prevent the scandal, which would certainly come sooner or later, if Miss Pollard remained in the city. Then he related a conversation when Miss Pollard had

#### COME TO HIM IN DISTRESS,

Because Mrs. Fillette and another lady had been talking about her, the witness saying: “I told her that this was what I had always expected; that such affairs always must come to an end, and urged her to go away, as she had promised so many times, and to let the scandal blow over. My name was not coupled with that, but I said it would be if the thing went on.

“Mrs. Fillette had not mentioned my name; it was other parties. She said that she could not have such scandal against her name; that she had a revolver with which she had intended to shoot herself if such stories ever came out. I made light of that. She told me afterward that she had gone to Mrs. Blackburn, that Mrs. Blackburn had talked with Mrs. Fillette and found that the charges did not affect the chastity of the plaintiff, that she was charged with being an adventuress; that it was said she lived by her wits, had no known means of support and did not pay her debts. She insisted that I must go to Mrs. Blackburn and tell Mrs. Blackburn that the relations between us were such that Mrs. Blackburn must stand by her.”

Colonel Breckinridge said that he had refused at this time to do so. He denied also that he had ever sent a message to Mrs. Blackburn by the plaintiff, and asserted that on this occasion he had positively refused to have anything to say to Mrs. Blackburn in the matter.

On several occasions, the witness said, the plaintiff had declared her intention to commit suicide, saying that she had destroyed all her

manuscripts (including the manuscript of a novel she was writing), and that she had given away her clothes. She had once said to the witness that if he did not help her out in the matter she did not intend to let him live; that she did not intend to bear the disgrace alone. He had told her there would be no difficulty about it if she would leave Washington as she had so often promised, and that he would pay her expenses wherever she went. In one of these conversations, when she had apparently consented, she got up and went into the library and came back shortly and pointed a pistol at him, threatening to kill him. By strategy he had been enabled to take it away from her before she could do any harm. She kept the pistol, and it was the same weapon she had taken from his traveling bag, with which she attempted his life in New York City. That scene, he said, was followed by an almost immediate revulsion on the part of the plaintiff. She broke into a flood of hysterical tears and declared that she had not really meant to kill him. He had taken the revolver away from Miss Pollard and that night she had come to his house with a young man and left a note expressing her regret at what had occurred.

When he next saw her, two or three days afterward, she had proposed again to leave the city, and he again offered to pay her expenses. Referring to his interview with Mrs. Blackburn, regarding the scandal against Miss Pollard, he said it differed from Mrs. Blackburn's. He thought she had opened the interview by saying he did not know what Miss Pollard had wanted him to call for Mrs. Blackburn to

#### URGE HER TO GO AWAY,

Which that lady had promised to do, and he had spoken kindly of the young woman. He supposed when he left Washington March 13, 1893, that their relations had ended; that Miss Pollard was going away to study and lead an honorable life while he provided for her. Later in March he had met her in Cincinnati in response to a telegram from her. She then had told him that she had been obliged, under Mrs. Blackburn's cross-examination, to represent that she was engaged to him. He told her he would go right back to Mrs. Blackburn and say that it was not true, but under her importunities promised to keep his mouth shut if she would leave the city. Returning

to Washington on March 31, he had received a call from Miss Pollard before breakfast.

He said: "I agreed then that if she would go away I would put myself in the power of the plaintiff and Mrs. Blackburn and pretend there was an engagement. I said: 'You have put me where there is no alternative but to put myself in your power and trust you or to submit to a scene in the hotel office or street, perhaps have an attempt made on my life on the street.'"

"May I interpose at this point?" suggested Mr. Wilson, and he went on to say that there had been no plea of coercion put in by the defense. The reply by Mr. Butterworth was that there had been no agreement, but only the semblance of one, to preserve what was of more value than life under a compulsion as effectual as a loaded pistol. He did not care what the duress or coercion was called. The legal sparring became very warm, Mr. Wilson declaring they might show if they could that an agreement was made under duress.

"I said that there must be no misunderstanding between us," continued the Colonel, when the lawyers had subsided; "reminded her that from the first I had said there could be no marriage, but anything short of that which I could do to save those who loved me I would do; that she could not trust me, because, knowing the relations I had had with her while I had had such a happy family, she would always suspect me of having similar relations with other women. I reminded her that she had not come to me a maiden; that I had not seduced her."

Colonel Breckinridge gave his version of the visit to Mrs. Blackburn, which occurred on Good Friday, according to Mrs. Blackburn, and several days later, according to the witness. With the plaintiff he had gone to Mrs. Blackburn's hotel (the Portland), but Mrs. Blackburn refused to see them. Leaving him in the parlor, Miss Pollard had gone up to Mrs. Blackburn's apartments, and in a short time he received a message from the elevator boy saying that Mrs. Blackburn had consented to see him.

He found Miss Pollard waiting on the landing outside Mrs. Blackburn's room, and she said that Mrs. Blackburn wanted witness to confirm what she (Miss Pollard) had just told her. Witness said to Mrs. Blackburn that she had been extremely kind, and that so long as



the plaintiff had her as a friend she needed nothing else, but in her distress he had offered the protection of his name, and that with Mrs. Blackburn's friendship and the protection of his name, the plaintiff could well afford to despise what Mrs. Fillette might do, and that he was grateful to Mrt. Blackburn for what she had done.

Mrs. Blackburn said that what she had done had been done out of a spirit of friendship for an

#### UNPROTECTED KENTUCKY GIRL.

Mrs. Blackburn said that this had been a great surprise to her, and she could scarcely credit it, and did not know whether she should congratulate him or not.

To this he had responded nothing, simply acknowledging it with a bow, and in a few minutes he arose, and he and the plaintiff had left the house together and walked with her to her house without a word.

"I put the key into the door and said: 'You must leave Washington before I do or I will notify Mrs. Blackburn of the relations between us.' She said: 'I can't go as soon as that.' (I was going to Boston the next day to speak at a banquet.) She said: 'I will keep my promise and go as soon as I can.' On account of a misunderstanding regarding the banquet I did not go. There was no misunderstanding between us the next ten days; we both knew the character of the representations to Mrs. Blackburn, and left Washington the 12th of April with the same confidence in her I had held when I left on the 18th of March. I had at least two more interviews with Mrs. Blackburn before I left for Kentucky. Several ladies were stopping with her, and she asked me to arrange for Mrs. Cleveland to receive them. I did call with them upon Mrs. Cleveland. In an interview I urged Mrs. Blackburn to unite with me in urging the plaintiff to leave town. She promised to and agreed with me, and said that unless one or the other of us went there would be a scandal and her friendship must cease. Afterward she told me she had spoken to the plaintiff, and that the plaintiff said so also. Mrs. Blackburn said the plaintiff had spoken of going abroad, said she was going herself, and the conversation drifted toward the plaintiff going with Mrs. Blackburn.

"I told her the plaintiff's temper was such that she ought not travel with people whom she could not be controlled by; that she ought to

go away and study. Mrs. Blackburn said one or the other should leave or there would be a scandal. I said I knew that the plaintiff would come to my rooms when I was away; that it was perfectly proper; that there was nothing wrong about it, but there were Kentuckians around and they would talk about it."

After speaking of visiting Philadelphia as the guest of George W. Childs, the secret marriage to Mrs. Wing in New York was skipped, and Colonel Breckinridge went on to tell of his meeting with Miss Pollard at the Hoffman house, May 1st. He was surprised on entering his room to find the door to the adjoining room open, and, walking in, found Miss Pollard there, and but partly dressed. He said:

"She demanded to know where I had been the past two days; said she had been looking all over New York for me. I responded probably with a little more rudeness than I should, 'that it was nothing to her.'

"Then I went back to my room through the short entry between the two. I heard a noise, and, when I turned around, she stood in the door with a pistol pointed at me. I shut the door quickly, turned down the catch, and touched the electric button.

"I said I had sent for the police and was going to have her put in the Tombs. She said she was going to shoot through the door. I said: 'Snoot away, and you will only give me more justification for having you put in the Tombs.' She was rattling the door and begging me not to have her put in the Tombs. I said: 'You put the pistol down, go in and fasten your door and I will see what I ought to do.'

"When the bell boy knocked, I opened the door. Whether he saw that I was excited I don't know, but I said to him to bring a pitcher of icewater. I don't know whether I was as cool as I might have been." This was said so curiously that everybody laughed.

In answer to a question as to the circumstances attending his last marriage, Colonel Breckinridge said he had been married at No. 711 West Forty-fifth street, about 7 o'clock in the evening of Saturday, April 29, by Rev. John R. Paxton, and the marriage was witnessed by Mrs. Paxton and Mrs. Collier of Pittsburg. He had married, he said, his kins woman, the daughter of R. W. Scott, of Kentucky, widow of Chauncey Wing, of Kentucky, who died abroad some time ago.

The Colonel then took up the Blackburn thread of the story. He went into a long story about some difficulty Mrs. Blackburn had with a tailor over some dresses, in which the tailor had been arrested and had threatened to sue her

FOR FALSE IMPRISONMENT.

He had said the tailor was bluffing and they had better call his bluff. Then Mrs. Blackburn had said that there was another matter of greater importance; that he had told her that he was engaged to Miss Pollard, and asked her to keep the secret, and that witness and plaintiff had been together in a hotel in New York. He had replied that he could not give her a full explanation then, but would later on in Washington. Mrs. Blackburn had said that unless he could reply satisfactorily their friendship must end. He had said that he supposed he must submit to her decision, whatever it was.

Colonel Breckinridge then related the circumstances attending the visit to Major Moore, the Chief of Police, giving the following narrative :

“I and my wife (formerly Mrs. Wing) were in the dining room of the house when the plaintiff walked in and said :

“ ‘Excuse me, Mrs. Wing, I want to see Mr. Breckinridge alone on a matter of great importance.’ I turned to my wife and said that I thought I had better go with her.

“As I walked out by Lafayette Park she said : ‘I intend to end this matter; I intend to kill you.’ I said, ‘All right,’ and she went on : ‘Mr. Breckinridge, this is your last chance.’ The statement that I said anything derogatory to my wife is an absolute fabrication, without a shadow of truth on which to hang it. Not a word was said about my wife.

“She said she intended to end this thing by killing me, and, as we walked along she said it would be a good thing to end it by that kind of a scandal, and she was going to kill herself, too. She did most of the talking. There had been no effort on my part to calm her fear. no protestation of love; nothing about her being a nervous, excitable child.

“When we got to Major Moore’s office I asked if he was in and being told he was, I went in and the plaintiff followed me. I said to

Major Moore: 'I need the protection of the law. This lady threatens to kill me. I will tell you how I came to be in this position, and I want you to put her or me under arrest.'

"He said he hoped it was not as bad as that. He went over to her, and she held up her hands and said:

"'I have no weapons but these:' and then I said to Major Moore that I wanted to relate all the circumstances, so that he might decide whether to arrest her or me. Then she broke out into a flood of hysterical tears and said: 'Oh, don't tell him: is it necessary?'"

"I said I intended to tell him everything, when she put her hand on my shoulder and begged me not to tell him. I took her hand off and turned to her and said: 'Will you do exactly what I demand if I do not tell him?' She said she would, and I turned to Major Moore and said, 'I think we can settle this ourselves.'"

Colonel Breckinridge said of his side remark in the scene before Major Moore that he thought he had said it loud enough for Major Moore to hear: that he certainly intended him to hear it, but it appeared, from the Major's testimony, that he had not heard what he (Breckinridge) had said. After leaving the office with Miss Pollard, he then told her that there could be no more terms between them: that she would have to look for some one else for support, and that he did not intend to give her another dollar.

They had talked together of the child that was to be born. She said she wanted to get rid of the child, but I said 'No, if it is my child I have the greatest interest in it, and when it is born I can tell whether it is mine or whether it is not.'"

Then the witness told of Miss Pollard's last attempt to shoot him. He had been to see her at the house of Mrs. Thomas, in Lafayette Square, a few days after the scene in the office of the Chief of Police. He had suspected her intentions, and as he stepped into the room he threw both arms around her, clasping her tightly around the shoulders, slipped his arms down until he could grasp her hands, and caught the weapon.

This episode the Colonel narrated graphically, stopping to remark jocosely, "and I have the pistol in my possession now; one of the mementoes of my engagement to marry the plaintiff."

When he loosened his arms, he continued, she had fainted, or pre-



tended to faint, so he laid her on a divan, put the pistol in his pocket, closed the door and walked out.

This seemed a good climax to end the chapter, and so Court adjourned until Monday.

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## SEVENTEENTH DAY OF TRIAL.

*A living hell, such Breckinridge declares to have been the life led with Miss Pollard—For his transgressions then he has since faced the awful penalty—The Colonel repeats his oft-told tale of how he was led astray by a school-girl—Words could not be phrased to condemn the sin he had committed—No man could have had less excuse than he—For ten years he suffered tortuous agony—Judge Wilson opens cross-examination for plaintiff—Breckinridge a Mason—Paid by mental torture—Colonel Breckinridge declares the hell he has suffered was fully deserved—Says there is but one punishment he has not deserved and that is to marry the woman who was concerned with me in the act.*

The carriage ride of August, 1892, when Miss Pollard had said Col. Breckinridge had made the first formal proposal of marriage to her, was the first subject to which Col. Breckinridge addressed himself when he took the stand in the Circuit Court to-day. He denied, with his customary reiteration, that any such ride had taken place, or that he had made any proposal, or that he had talked over family matters. Then, continuing, he said:

“I never asked the plaintiff to give up any child. I never knew plaintiff had any living child. I never at any time spoke of marriage to the plaintiff before the death of my late wife.”

Mr. Butterworth asked the witness what interviews he had with Miss Pollard prior to the interview of the 17th with Maj. Moore.

The witness then stated in detail the interviews that occurred, and the substance of the conversations, as he remembered them. These included the interview with Mrs. Thomas the afternoon of the 13th of May, when he left Miss Pollard in a real or simulated fainting condition.

## THE SECRET MARRIAGE.

“Did you,” asked Mr. Butterworth, “have criminal relations with the plaintiff after the 29th of April, 1893?”

This is the day on which the defendant was secretly married to Mrs. Wing.

Mr. Breckinridge. I did not. After the 29th of April, 1893, I did not have any criminal relations with the plaintiff whatever. It is absolutely false. I never had criminal relations with the plaintiff after I returned to Washington—after the 21st of March, at any time or place. I returned on the 31st of March and had the conversation with Mrs. Blackburn. Plaintiff and I had no criminal relations on that day, nor ever after that day. The arrangement made prior to my going to Mrs. Blackburn’s, as a condition to my going to Mrs. Blackburn’s, as the only reason I would go to Mrs. Blackburn’s was that our relations should terminate, that she should leave the City of Washington, and that the relations between herself and Mrs. Blackburn should be allowed to die out gradually, and I should support her until she could find some honorable vocation.”

Speaking of the plaintiff’s employment in the Census Office, Col. Breckinridge said she had lost it during his absence. When she thought she was badly treated. Miss Pollord made a remark expressing gratification at the death of Gen. Sherman, as was published at the time, although Mr. Breckinridge did not mention it. He had done everything in his power to assist her in obtaining reading matter, but had never advised her about her studies except to make her take up rudimentary studies, in which she was peculiarly deficient for a woman of her reading. He had assisted her in getting books from the Congressional Library, sending a list by the page, and never furnished her with a translation of the Odyssey.

## THE CROSS-EXAMINATION.

It was 11:50 o’clock when Mr. Butterworth announced that the direct examination had finished, although there might be a few more questions, and asked for recess to enable him to look over his notes, so the recess was announced earlier than usual until 12:45.

“Take the witness,” said Mr. Butterworth at the beginning of the afternoon, and Mr. Wilson, reminding Col. Breckinridge of his

early educational advantages, asked him what preparatory schools he had attended, and then asked: "You had unusual educational advantages?"

"Very unusual," was the reply.

"And unusual social advantages?"

"Yes, sir."

"You began the practice of law when?"

"In 1857."

"Your practice was interrupted by the war?"

"Yes, sir, and I returned in 1865."

"Was your professional career interrupted by difficulties with your clients?"

"It was not."

"Were your friends not obliged to raise money to help you out of trouble?"

"I became greatly involved in trying to save some friends from bankruptcy, but did not have trouble with clients."

"Your friends were not obliged to return money you had misappropriated?"

"They were not."

In relating his connection with educational institutions, Col. Breckinridge said that he had been a lecturer for several years; had been nominally a trustee of Sayre Institute, the female seminary attended by the plaintiff.

"Have you lectured before young ladies' seminaries?" asked Mr. Wilson.

"Oh, I have addressed schools, lectured and delivered diplomas at times."

"You were given a public reception at the Norwood institution in this city?"

"Oh, yes."

#### SARAH GESS AN OLD ACQUAINTANCE.

Thereupon Mr. Wilson handed up to the Colonel, and requested him to read, an invitation which he had sent to Miss Pollard in February, 1893, requesting the pleasure of her company at a reception to the Hon. W. C. P. Breckinridge at the Norwood Institute, which he read. By questions concerning the Colonel's residence in Lex-

ington, in 1884, Mr. Wilson elicited the information that his home was on the same street with the house of Sarah Gess, four blocks away.

Then he asked: "How long had you known Sarah Gess?" to which Colonel Breckinridge answered:

"Oh, I can't tell; perhaps twenty years."

"Did you know the character of her house?"

"I did."

"Had you ever been there before you went with the plaintiff?"

"I was."

"Then I understand that before you met the plaintiff you had for years known Sarah Gess, known the character of the house, known the location of the house, and had been there before you went there with the plaintiff?"

"Each of these statements are true."

Mr. Wilson requested a specific account of all Miss Pollard had said during the first visit of Colonel Breckinridge to the Wesleyan Seminary, and that interview was again dissected, the Colonel denying that Miss Pollard had said it was part of her agreement with Rodes to repay the money he had advanced for her schooling if she did not marry him, but explained that she had asked if it would not be all right if she repaid the money.

In his most pathetic tones the Colonel repeated all the details of the interview; how she had insisted on telling him all, and he had remonstrated that there were things she probably did not want to say to a stranger, advising her to go to her grandfather, mother or uncles.

"There is an impression on my memory, although I can not remember her language after ten years, that she said she had given him even a higher proof of her intention to marry him. Then I told her that she could not afford not to marry him."

#### TWO CODES OF MORALS.

"And that same rule would apply to a man under the same circumstances?"

"Well, that is a question of casuistry or sociology I would not care to answer. If you ask me whether I would advise a young woman



who had criminal intercourse with a man to marry him, I would say yes, but with a man it would be different, for the knowledge of it by the public would destroy the woman and would only injure the man."

"Would it not hurt the man?"

"Oh, it would not injure him so much as the woman. Society looks upon these things differently. If a young man should come up to me under certain circumstances, I would advise him to marry a woman' under other circumstances I would say to him better death or hell. I am not talking of the justice of—"

"Oh, no," interrupted Mr. Wilson with a contemptuous air, "I was not asking you about justice."

#### THE CARRIAGE RIDE.

After Colonel Breckenridge had admitted that he was in good health on the night of his first ride with Miss Pollard, and had no throat trouble nor chills, as Mr. Wilson asked, he was asked whether it was not a rather unusual proceeding to select a closed carriage for a drive of a hot summer evening, to which the Colonel replied: "Oh, no; I don't think it was," and the audience laughed.

Of the conversation of the ride he could only remember that Miss Pollard did most of the talking.

"You were inclined to talk?" Mr. Wilson continued.

"Oh, that depends upon the company I am in," replied the Colonel.

Continuing, he described how Miss Pollard had talked of her aspirations to be an authoress, and how he had encouraged her, telling her that other women had been authoresses, but that was a matter of work, like any other vocation.

"When you put your arm around her, had there been anything of a suggestive nature?"

"Well, I can not answer that definitely. There was no particular word or act that I could lay my hand on. There was just something internally that moved me to. If she had reproved me I could not have said you have encouraged me, and yet I would have been surprised if she had resented it."

"Well, then, you drew her to you; and how long were you in that position?"

"Oh, I can not say."

"And what was talked about?"

"Nothing was said." [Laughter and rebuke from the Judge.]

"I want to know how long you held her in your arms?"

"The transaction could not be stated as to time."

"Did you give her any friendly advice on that occasion?"

"I did not."

"You were a man of 47, and she a girl of 17 to 21?"

"That was all true, and much more. No man in America had less excuse for such an action than I, with the domestic surroundings I then had. I have attempted to make no excuse for it; it just happened so."

"And the fact that she was a young girl in school makes it all the worse?"

"You can not frame words too strong to characterize it. I have not attempted to justify it, or even defend it, and all the hell I have suffered since then I have deserved."

"Then I understand you to say that the enormity of the act can not be overestimated?"

"There is but one punishment which I have not deserved, and that is to marry the woman who was concerned with me in the act."

#### THE CINCINNATI MEETING.

After going over again the visit to to the house of Sarah Gess on Sunday night, when he was uncertain whether he would find the plaintiff there, his payment of money to her at the close of the evening before his departure, the conversation with Rodes on election day, Monday, was touched upon, and he declared that he had not considered that he was acting in the capacity of attorney in that talk.

Afterward the lawyer asked if Breckinridge had taken Miss Pollard to the house of Mrs. Rose in Cincinnati when they went there. He replied:

"I want to be candid, and I will say frankly that I did not take her in the sense of going on the same train, but we had made the arrangements to go in Lexington."

This was in October. The Colonel had known Mrs. Rose in Louisville, when she kept a cigar store, but not "in an improper

way," and under circumstances involving another person, in his capacity as attorney.

"I had met her on the street; we had shaken hands, and she knew that I knew certain things about her which I had obtained professionally, and she gave me her card."

"When was that?" Mr. Wilson inquired.

"About eighteen months before."

"And you kept her card all that time?"

"No, I knew her name and looked it up in the directory."

"How long were you there on that day?"

"Perhaps half an hour, may be an hour."

"Was that the only time you were there?"

"Guess not."

"How many times?"

"Perhaps four or six times during the two-years."

Later, in speaking of the visits to Sarah Gess's, he said: "Every arrangement, as I remember it, for us to meet was accidentally made. When we went to Sarah Gess's there was never any agreement to meet there at any future time, but we would meet on the street, and from these accidental meetings would come arrangements to visit Sarah Gess's."

"From whom would the solicitations to meet there come?" Mr. Wilson asked. "From you or the plaintiff?"

"There were no solicitations. We would meet, walk along the street together and the matter would be arranged."

#### THE COLONEL LOSES HIS TEMPER.

"Did you have a sister in Lexington by the name of Louise?" asked Mr. Wilson, after Mr. Breckinridge had declared that he had not corresponded with Miss Pollard in 1886.

"I never had a sister by the name of Louise," was the reply.

"Do you know a woman in Washington by the name of Louise Lowell?"

Colonel Breckinridge looked puzzled and declared that he knew no such person. Then to Mr. Wilson's inquiry whether he remembered a typewriter whose machine was in the corridor of the Capitol, between the rooms of the House Committee on Post Offices and the Committee on Printing, he said that there had always been a type-

writer and stenographer there, but he could not remember her name. If she was produced he might recognize her.

“You have said you wrote letters to her in 1886?” continued Mr. Wilson. “Now, did you not take to that lady in February of 1886 a manuscript letter beginning ‘My Dear Sister Louise,’ and ask her to render it into typewriting?”

“I decline to answer that unless you show me the paper you are asking the question from. I have given you notice to produce all the letters you have from me, and you have said you had none.”

The Colonel was for the first time getting somewhat excited. It will be remembered that he had denied the statement of Miss Pollard that he had addressed letters to her under the name of Louise Wilson.

His attorneys, Maj. Butterworth and Col. Phil Thompson, backed him up in his refusal, but Judge Bradley decided that the question was a fair one.

“Since I have no recollection of a woman named Louise Lowell, I can not remember having sent any letter to her,” was the reply. “Of course, I have a very large correspondence. I have a sister-in-law named Louise, the wife of Gen. Breckinridge, but since she is called Lou in the family I don’t think I could have written in that way.”

#### VISIBLY NETTLED.

“Well, now, you need not make such statement, for I don’t care about it either way,” interposed Colonel Breckinridge, visibly nettled.

“And to further refresh your memory,” continued Mr. Wilson, “did you not say how anxious you were to get back and meet your dear sister once more?”

“I never, under any circumstances, wrote any such letter,” replied the Colonel, and then he tapped the witness box sharply as he asserted, “if any such letter is in existence it is a forgery, and if notes of any such, they are a perjury.”

“I can only say if you bring the lady here I can tell you whether she ever did any work for me. Several women or females have done typewriting in Washington, but I do not remember this particular one,” he said.

“I will ask you whether you did not bring to her in the spring of 1886 a package of a dozen envelopes, somewhat yellowed by age and of



different dates, and have her address them to Miss Madeline Pollard, No. 76 Upper street, Lexington, Ky.?"

Colonel Breckinridge was very strenuous in his denial. "I never, under any circumstances, had any such envelopes addressed, and I do not care who the woman is who says so," he asserted, positively.

The Court here nodded for an adjournment.

The trap that was set last night just before adjournment was sprung to-day. It caught Mr. Breckinridge badly. Before he realized his danger the defendant stood contradicted before the jury by two witnesses. One, to be sure, was the plaintiff. But the other was a person wholly disinterested. The point was not only a material one, but the contradiction was important because it tended to throw discredit on other portions of Mr. Breckinridge's story. Even after he had been caught the defendant stuck to his contradiction, which was, perhaps, the best thing he could do from the legal standpoint. Just before the plaintiff arrived this morning two other ladies entered the court room and took seats at the long table occupied by the defense. It was at once surmised that one of the ladies was Miss Louise Lowell, the typewriter, to whom reference was made by Mr. Wilson in his cross-examination yesterday afternoon. She had come, it was soon discovered, to confront the witness on the stand.

The testimony of Miss Lowell was in effect what Mr. Wilson had indicated last night that it would be; that she had in February, 1886, copied on a typewriter for Mr. Breckinridge letters addressed to "My dear Sister Louise," and had also about the same time addressed for him several batches of envelopes to "Miss Pollard, No. 56 North Upper street, Lexington, Ky."

The defense fought hard against the introduction of this testimony as being a part of the plaintiff's case in chief, but Judge Bradley admitted it, although he refused to permit the plaintiff's attorneys to allow Miss Lowell to be questioned as to the contents of the letter she claimed to have written.

The appearance of Miss Lowell on the stand, with the atmosphere of mystery that surrounded her testimony, formed one of the most dramatic incidents of the trial. She produced a memorandum book, on which she had, as she stated, at the time written the address given to her by Mr. Breckinridge.

Judge Bradley inquired whether the letter was in existence, and Colonel Breckinridge denied it.

Mr. Shelby responded that even under these circumstances it could not be produced, since it would be an attempt, under the guise of rebuttal, to prove the case in chief.

#### TESTIMONY OF THE TYPEWRITER.

Half an hour had been consumed by this argument when Judge Bradley decided the point, saying that there could be no doubt about the admissibility of the letter itself if it was in existence as a basis of cross-examination. Although a novel case confronted the Court, the authorities seemed to be that where a paper had been destroyed or lost, proof of its previous existence could be interjected. It seemed to be proper, since the cross-examining counsel said the paper was not in his possession, and the witness denied knowledge of it, to interject proof of its existence as a basis of examination.

Thereupon Mrs. Louise Lowell took a seat in the witness box. She said that she had known Col. Breckinridge since February, 1886, having become acquainted with him at the House of Representatives, where she had an office to carry on business as a stenographer and typewriter in the corridor by the Committee on Post Offices.

"Did you work for Col. Breckinridge?" Mr. Wilson asked.

"I did."

"Did he bring manuscript of a letter to you?"

"He did, and I copied it in typewriter."

"How was that letter addressed?"

"I object," interrupted two or three of the Breckinridge attorneys, who protested that there was no proof of the letter having been mailed, but Judge Bradley said to sustain the objection would be to nullify the purpose of admitting the witness.

The manuscript and copy had been returned to the Colonel, Mrs. Lowell continued. From 1886 to 1890 she had copied manuscript, addressed envelopes, and done Col. Breckinridge's private correspondence and congressional work, always returning the manuscript.

"Now, what was on those envelopes?" continued Mr. Wilson.

"Miss Pollard, 76 Upper street, Lexington, Ky."

"And how do you remember that?"

"I kept a memorandum book in which I noted the address."

"Have you the book?"

"I have," she said, and the book was passed around for inspection of the lawyers.

"Feeling sure that sooner or later I would hear more of Miss Pollard, and not wishing to trust my memory, I made that memorandum," she explained, and, continuing, said:

"He (Breckinridge) brought me two or three envelopes separately then a package of a dozen small ones yellow with age, and not such envelopes as a business man would use."

The question of the substance of those letters was objected to, and the objection sustained for the present. The first communication said the witness, was addressed to "My Dear Sister Louise," and when Mr. Wilson urged that testimony of its contents should be admitted, Mr. Butterworth retorted that there was no proof that it had ever been mailed or received, reminding Mr. Wilson that was the ground taken by him regarding the alleged forged letters of Miss Pollard's.

"I now give you notice if you have that letter to produce it," said Mr. Wilson to the defense.

"How can I produce the letter if I sent it to the plaintiff?" Col. Breckinridge said in reply, whereupon Mr. Wilson remarked, in his inimitable way:

"You and I will have a little conversation after awhile."

The witness, continuing, recollected that she had copied the letters for Col. Breckinridge nearly every week, but said she could only prove having done fifteen or sixteen.

The Judge having ruled out examination concerning the contents of the letter, Mr. Butterworth made a brief cross-examination, asking Mrs. Lowell where she had worked, and for how long. She had kept a record of the works he did for Congressmen, with the amount received, in an account book. She had an independent recollection of the address of Miss Pollard, since the latter had made a very deep impression on her mind.

"Are you acquainted with Miss Pollard?" was asked.

"I never saw Miss Pollard until this morning."

In her book she had merely entered the amounts of work done

then the name of the party, then the amounts charged, so that no congressman need waste worry for fear that the ledger will rise up to get them into trouble.

Mrs. Lowell said she had not volunteered her evidence; did not know how the lawyers learned the facts.

Col. Breckinridge was recalled and gave emphatic denial to the previous witness' statement that he had carried to her the manuscript addressed to "My Dear Sister Louise." Mrs. Lowell had done typewriting for him. He would not swear he had not given her manuscript letters to copy. Col. Breckinridge made other emphatic denials covering many of the statements of Mrs. Lowell.

#### MISS POLLARD AGAIN ON THE STAND.

After recess Miss Pollard was placed on the stand to prove that the letters in question had been received by her and destroyed. The defense objected to this line of testimony at this stage, but it was admitted by the Court, exception being noted.

Miss Pollard described these letters as beginning: "My dear sister Louise," and "My little Spitfire," and addressed by a typewriter and all signed in lead pencil.

Then Col. Breckinridge was back on the stand making flat denials concerning these letters. Having finished this branch of the subject, the defendant told of the events of the fall of 1887, when he and the plaintiff met in Washington near the Catholic Institution, "as a woman in her condition and a man supposing himself to be the author of her condition would meet."

Referring to five notes of \$100 drawn by the plaintiff and indorsed by the defendant late in 1892, to pay Miss Pollard's expenses at the school of the Holy Cross, Col. Breckinridge stated that he did not know what had become of the notes: did not know whether they had been protested; was sure that he had never received notice that two of them went to protest.

"Now, to refresh your memory," began Mr. Wilson, this testimony having been elicited by a succession of questions, "do you not know that notice of the protest was sent to you both in Lexington and Washington?"

He did not, and the attorney asked:



“Do you know the particular object for which those last notes were drawn?”

“I do, very well.”

“Was it not to enable her to purchase her wedding trousseau?”

“Nothing like that. There is not a scintilla of truth in it,” was the Colonel’s impressive answer, and he wanted to tell about the deal, but Mr. Wilson choked him off with a reminder that his council would examine him later.

#### ISSA’S BASKET.

During March and April, 1893, Representative Breckinridge said, when his attention was called to another phase of the case, he had seen Miss Pollard two or three times a day and one day seven times. He remembered a time when he took lunch with her and they had had strawberries, but was certain that this was before the 12th of April and not the 10th of May, after the secret marriage, as Mr. Wilson would have it.

He had frequently met the plaintiff in the house of Mrs. Thomas on H street, but had never seen her sewing in his life.

“Did you not meet her once there when she was using this basket that had belonged to your wife?” Mr. Wilson inquired.

“Never; never under heaven,” answered the Colonel, striking the witness-box.

“Did not a servant come in while you were with her and she was using that basket?”

“No servant ever did, for I never knew for a moment until it was brought in here that she had that basket.”

He had met Miss Pollard in New York in September, 1892, but not “improperly,” and met her “improperly” there in February, 1893.

“Where did you go then?” Mr. Wilson inquired.

“I can’t tell the place. I simply hired a coupe; she got in and I told the driver to take us to some safe place. He took us close to the elevated road, up toward Fifty-second or Fifty-third street. It was a large building that looked like a hotel.”

Here Mr. Wilson suggested that as it was near the hour for adjournment and he desired to take up an entirely different line of examina-

ion, it was hardly worth while to proceed further, and the court adjourned.

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## EIGHTEENTH DAY OF TRIAL.

*“Dear sister Louise” and “Dear Spitfire”—The terms used according to Miss Lowell’s testimony—Willie denies the soft impeachment of asperity—His word against that of two women—A type writer’s memorandum—Feeling sure something would drop, woman-like she made a memorandum of it—She tells Congressmen their little affairs are strickly sub-rosa—Jere Wilson leads the defendant a merry dance.*

The contest of legal wits in the Pollard-Breckinridge suit, on the cross-examination of the defendant, was superseded for a considerable part of the session yesterday with a controversy over newly-discovered evidence. Mr. Jeremiah M. Wilson was true to his promise of the previous day, and the mysterious letter addressed to “My dear sister Louise” figured prominently in the proceedings. Col. Breckinridge was relieved frequently by the wrangles of the opposing counsel, and was probably surprised at being called to alternate in his testimony with the plaintiff and an unexpected witness.

The courtroom atmosphere seemed to be full of fight from the beginning of the day, Mr. Wilson had a twinkle of triumph in his eye which lighted up his thin and scholarly countenance and was in itself sufficient assurance that some one must face lively music. There were two additional women seated at his table, and one of these, a mild little woman with black eyes, gray hair, and prominent features, was Louise Lowell, whose name in connection with the writing of certain letters stirred up so much legal strife the day before.

The outcome of the arguments, which were taken up with a great deal of fervor by Maj. Butterworth and M. Wilson, with Mr. Carlisle, Mr. Shelby, and Mr. Phil Thompson actively participating, was the introduction of Mrs. Lowell. It was the purpose of the plaintiff’s counsel to call her because the rules of cross-examination did not allow Col. Breckinridge to be fully interrogated about the letter. It had not been introduced in the examination-in-chief. It was contended

that there existed a right to do so either by reopening the case or by allowing examination for the purposes of cross-examination. Mr. Shelby made an argument, quoting authorities, against the propositions, but Judge Bradley consulted some legal books, which he ordered brought, and read therefrom to show that examination for the purposes of cross-examination was permissible.

Mrs. Lowell then testified that she had written the letter, beginning with the heading referred to, but she was not allowed to state anything of its contents. She was followed by Col. Breckinridge, who denied in toto that he had written any communication such as she described or that he had engaged her at different times during the year 1886 to address envelopes to Miss Pollard, at 76 North Upper street, Lexington, Ky. When questioned about the contents of the letter Col. Breckinridge's counsel not only interposed with a chorus of objections, but they fought against the admission of such evidence because, said they, proof was wanting that this letter had ever been mailed or that it had been received.

When the court convened after the noon recess Mr. Carlisle wanted permission to allow Miss Pollard to take the stand again for the same reason that Mrs. Lowell had been allowed to do so, and it was granted. She testified to the receipt of the letters and added that he had sent her others of a kindred nature during the same year, among which she mentioned one with the heading; "My dear Miss Spitfire," then the obstruction was completely cleared away, so that Mr. Wilson was free to question Col. Breckinridge about the letter and its contents.

#### THE MYSTERY UNFOLDED.

Mrs. Lowell made a good witness and told her story in a straight forward manner. She is a little woman, and when she took her seat in the witness box she was largely hidden from the view of the spectators. She spoke with a gentle voice and emphasized her statements by tosses of the head at frequent intervals. She is apparently a woman of education, and told the story of her employment as a type writer and stenographer with reluctance, declaring with some feeling that she had not been compelled to work for anyone before she came to Washington. Having recovered from her timidity after the counsel had put to her a few questions, she answered coolly, and when

form of objections was raised at words she was about to speak, she smiled at the eagerness of the lawyers and signaled mischievously to her companion, a lady who came to the courtroom with her. She said she had copied the letter in question a few weeks after coming to the Capitol, in 1886, and that it was some time in the month of February. She showed a memorandum in which she had noted items of work done for Colonel Breckinridge and others, saying of this particular instance that she felt sure she should hear more of Miss Pollard, and therefore did not trust her memory. When Major Butterworth asked her if she was a widow she answered him sharply that she was not.

LETTERS TO "MY DEAR SISTER LOUISE."

Major Butterworth asked Judge Bradley to decide whether evidence about the Sister Louise letter was competent.

Mr. Wilson, in answer, said he proposed to put the witness, Louise Lowell, on the stand, on the ground that the plaintiff was not in possession of the knowledge she now had at the time of her testimony-in-chief. It was not the purpose of the plaintiff, he said, to lay any trick or to take the defense by surprise, and the defendant would be given ample opportunity to make any explanation he chose concerning the letter.

Mr. Carlisle said he did not learn the name of the witness and did not see her until Sunday morning.

Major Butterworth said he was not criticising counsel, but he thought the alleged contents of an alleged letter should not be placed in evidence until it was known what the plaintiff expected to prove by it.

Judge Bradley, in rendering his decision, referred to the question as a "novel situation," and said he had found authority for the introduction of proof concerning the existence of a document that might be lost or destroyed. He therefore decided that proof tending to prove that such a letter as that beginning "My dear Sister Louise" might be introduced.

Mr. Wilson called Mrs. Lowell to the stand. She said she had known Colonel Breckinridge since February, 1886, when she had a small office on the House side of the Capitol; where she did stenography and typewriting. She had done work for Colonel Breckinridge and was acquainted with his handwriting. In answer to Mr. Wilson,



Mrs. Lowell said the defendant had brought to her at the time indicated a letter to be copied. The manuscript was in the defendant's handwriting. The witness said she returned to Colonel Breckinridge the manuscript and the copy of the letter in question. She also did other work for the defendant, such as addressing envelopes.

"Ah!" said Judge Wilson. "What did you put on those envelopes?"

Major Shelby objected, but the question was allowed.

"Miss Pollard, 76 North Upper street, Lexington, Ky.," was the answer, a direct contradiction of the testimony given by the defendant.

Miss Pollard smiled, and there was a buzz of interest throughout the room. Colonel Breckinridge busied himself writing.

#### THE TYPEWRITER'S MEMORANDUM.

"Now," said Judge Wilson, "state whether you made a memorandum of work done by you for Colonel Breckinridge."

"I did," said Mrs. Lowell, and she produced a little blank book and read out of it the address given.

"Why did you put that name down?" said Judge Wilson.

"Feeling sure that I should hear more of Miss Pollard and not being willing to trust to my memory, I put it down."

"Now tell me what these envelopes looked like."

"They were small envelopes, not such that a business man would use, and yellow with age."

"How was the first communication he brought to you addressed?"

"We object to that," said Maj. Shelby.

"Objection overruled," said Judge Bradley.

"My dear sister Louise," said the witness.

Maj. Butterworth and Maj. Shelby made strenuous objection to the admission of testimony concerning the contents of the letter. Maj. Shelby contended that the letter should be produced.

"We haven't it—it was given to the defendant to be mailed to the plaintiff," said Mr. Wilson.

"If I mailed the letter to the plaintiff how can I produce the letter?" said Col. Breckinridge.

"You and I will have a little conversation about that after awhile," retorted Judge Wilson.

Judge Bradley ruled out testimony as to the contents of the letter.

Mr. Wilson then asked the witness to tell by her memorandum book how many times she had done typewriting work for the defendant, and she said that her record showed that she had done work for Col. Breckinridge fifteen or sixteen times, but that did not really represent the whole number of times she had written letters for him.

On cross-examination, Mrs. Lowell said she had written Miss Pollard's name and address on the fly-leaf of her little memorandum book because she thought that she might have to write the name again in her work and she wanted to remember it for that reason. Mrs. Lowell said she kept no record of Miss Pollard's name and address in her regular accounts; nor did she keep a record that she had written a letter for Col. Breckinridge, beginning, "My dear sister Louise." There was nothing in her regular account book to show whether the work done for Col. Breckinridge was a lecture, or a letter, or a speech. The number of envelopes addressed to Miss Pollard was about twelve at one time, and a few scattering ones before that. There was nothing in her record, she said, to indicate the character of the work.

"Were you in the habit of making memoranda of your work like this address of Miss Pollard?"

"No, I was not."

"Why did you put down Miss Pollard's name and address?"

"Because of the unusual character of the work," evidently referring to the time-stained envelopes which Col. Breckinridge brought her to address."

Maj. Butterworth endeavored to find out how it was that she became known as the writer of the "Sister Louise" letter, but the witness was unable to tell him. She had mentioned the fact to friends that she had written letters for Col. Breckinridge.

#### DATES IN HER LITTLE NOTEBOOK.

Mrs. Lowell examined her notebook again, and said, in answer to Maj. Butterworth, that its earliest date was January, 1887, nearly a year after the "Sister Louise" letter is said to have been written.

The witness said she did not know how it came that she had put Miss Pollard's name and address on the fly-leaf of this book early in 1886, when she did not begin to enter memoranda in it until the next year.

To Mr. Wilson the witness said the first paper that Col. Breckinridge had brought her was the letter beginning "My dear sister Louise." This was in March or April, 1886. Two or three weeks later the witness indorsed several envelopes addressed to Miss Pollard for the defendant, and it was then that the entry was made. The first charge made against Col. Breckinridge was March 16, 1886, but prior to that the witness had done work for him, but had no entry, because she did not know his name.

This concluded Mrs. Lowell's examination, and Col. Breckinridge resumed the stand for another ordeal of cross-examination.

Col. Breckinridge, in answer to the first question, said he recognized Mrs. Lowell as a person whom he had seen in a type-writing office in the Capitol. She had done some work, but comparatively very little work for him. He could not recall having taken manuscript to Mrs. Lowell for copying.

"Will you deny that you did?"

"I will not."

"Do you know where the manuscript is that you have taken to her?"

"I don't know—it was years ago and it has probably been destroyed. It certainly was never preserved after being copied."

"I will ask if in 1886 you delivered to her manuscript to be copied addressed "My dear sister Louise?"

"I did not."

Col. Breckinridge denied that he delivered such manuscript in his own handwriting to Mrs. Lowell. When he was asked if he had mentioned to the type-writer that there was a great disparity in his age and that of the lady to whom he was writing, Maj. Butterworth objected to the question, and after some sparring, Mr. Wilson abandoned this line of questioning, and asked Col. Breckinridge if he had not sent Miss Pollard letters addressed 76 North Upper street, Lexington, Ky."

"Certainly not in 1886," said the witness. "I believe I did send

some civil service papers to her in 1887, but that is an indistinct memory."

"Did you not write Miss Pollard in 1886, asking her to write you a letter asking for some agricultural or civil service report and to sign the name Mary Smith to it?"

"I did not—I never did," said the witness.

Col. Breckinridge denied that he had at any time carried to Mrs. Lowell a package of envelopes to be addressed separately from the letters. "I deny entirely what the witness said on the subject," he said.

#### MISS POLLARD ON THE STAND.

When the court assembled for the afternoon session, Mr. Carlisle asked permission to put Miss Pollard on the stand to more fully identify times she had received letters from Col. Breckinridge during their separations and to show that she had received and destroyed letters in 1886. The plaintiff, he said, had testified that during all their separations she and the defendant had corresponded; the defendant denied this.

Maj. Butterworth objected, but Judge Bradley agreed with Mr. Carlisle, and Miss Pollard took the stand, and Mr. Carlisle asked:

"Miss Pollard, did you or did you not correspond with the defendant during the session of '85-6?"

"Now, Mr. Carlisle, I was never sep——"

"Hold on, answer the question," said Maj. Butterworth.

"Yes," said Miss Pollard.

"Were the letters you received from him typewritten or in manuscript?"

"They were all typewritten."

"How were they addressed?"

"Miss Pollard, 76 North Upper street, Lexington, Ky."

"Can you identify any of these letters by the heading or address?"

"Yes, Mr. Carlisle."

"Identify one, then."

"Well, I remember that he used "My dear sister Louise."

"No, no," broke in Maj. Butterworth, that won't do."

"Well, I must explain—I have to explain."



"No," said Mr. Carlisle. "Can you identify any letter by the address?"

"Yes; one, I remember, was addressed, "My dear Spitfire."

"Any other letter?"

"Yes, some times it was "My dear Sweetheart," or "Dear Madeline," or—Oh! I wish you would let me tell in my own way!" she said, when Maj. Butterworth interrupted.

"You must stick to the question, Miss Pollard," said Mr. Carlisle.

"But I'm so hampered, Mr. Carlisle—I can't know what I'm saying if you don't let me answer in my own way."

Finally, Miss Pollard was made to answer the question directly, and in answer to Mr. Carlisle, she said:

"They were all destroyed—every one—as soon as I had read them. He always asked me to."

Maj. Butterworth asked if Miss Pollard had received other letters during the time named from Washington.

"I don't know exactly," she said; "but I have a recollection that he addressed me letters from Massachusetts at the time."

"When you were examined on the stand you did not refer to these letters—why?"

"I did not refer to the heading of my letters because you did not ask me."

"Were these letters signed?"

"Yes—with a lead pencil. That was the only thing in his own handwriting that he did put on them."

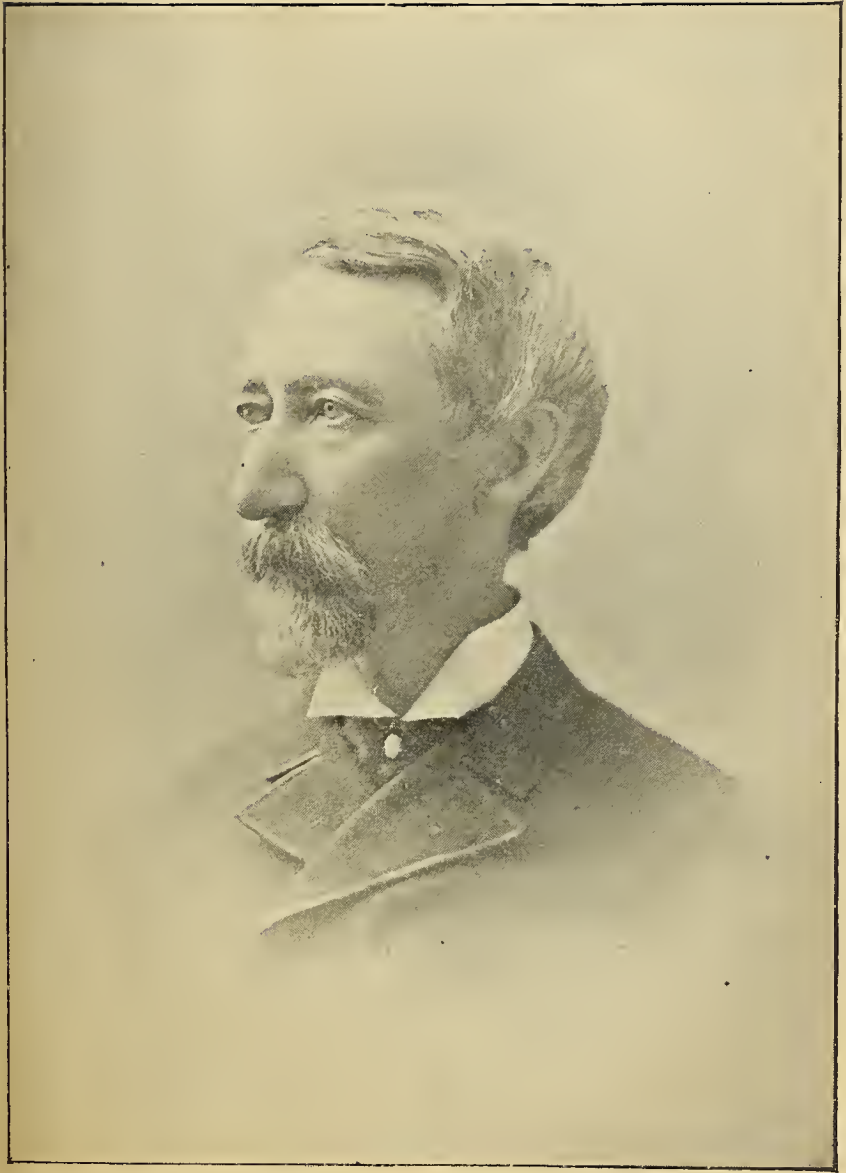
Miss Pollard was excused, and Colonel Breckinridge, taking the stand, was again examined about the alleged letter beginning "My dear Sister Louise." Major Butterworth asked if, in the "Sister Louise" letter written by him, he did not refer to the great disparity in the ages of "Sister Louise and himself?"

"I made no such reference, for the reason that there was no such letter dictated by me," was the answer.

"I did not say dictated—I said written."

"I did not write such a letter."

"Did you not in this correspondence express the hope of seeing the recipient soon again and speak of your impatience in not being able to see her?"



JUDGE JERE WILSON.



"I did not," said the Colonel; and he returned the same answers to questions whether he did not direct "Sister Louise" to be careful to destroy the letters, as people were apt to find them in bureau drawers; whether he had not had the answers sent to the Capitol instead of his own home; whether he did not write her a letter in which he stated that he feared she had not received his letters, and told her if she had not to send him a postal card, asking him to send her a civil service or an agricultural report and sign it "Mary Smith."

Colonel Breckinridge also denied that he sent her a letter addressed "My dear Spitfire," in which there was an allusion to some misunderstanding, and in which he told her to "stand before the glass and scold herself."

"I ask you," said Judge Wilson, "if you did not in the letter beginning 'My dear Sister Louise,' and in other letters, speak of your love and affection for the plaintiff?"

"I did not," said Colonel Breckinridge, "for the reason that there were no such letters written."

Colonel Breckinridge went on to tell that the immoral relations between the plaintiff and himself were resumed in Lexington, at Sarah Gess' in 1887, just after she had a rib broken. "Half a dozen times would cover it," he said, referring to their meetings there.

Questioned as to his residence at Miss Hoyt's, in Lexington, while Miss Pollard was there, Colonel Breckinridge said he was there in March, 1887, for a little less than three weeks.

The witness was questioned at great length about a meeting he had with the plaintiff on a brief visit to Washington in October 1887, while she was living at a lying-in asylum, and he said it was arranged at the meeting as to how he was to send her money and other things for her coming confinement. These letters were always signed "B'dge," but this was not meant for a subterfuge. An ordinary person, however, would hardly identify the writer from the signature.

Colonel Breckinridge said that part of the time Miss Pollard was in government employ and teaching at the Holy Cross Academy he was supporting her.

"Do you mean to say," said Judge Wilson, "that you supported her while she was at the Holy Cross?"



“I don’t mean to say anything about it if I can get out of it,” said Colonel Breckinridge, grimly, “but if you ask me the question—”

“I do ask you the question.”

“Then I would say that I did pay her money while she was there.”

Judge Wilson wanted to know how it was, then, that Miss Pollard got in debt at the Holy Cross for her board, and Colonel Breckinridge said he did not know of this until last spring.

#### A LITTLE SPECULATION.

In answer to another question, Colonel Breckinridge said Miss Pollard told him that she could make some money by speculating through a gentleman and a lady who lived on Capitol Hill, and the defendant had indorsed ten notes of \$100 each for her. Shortly after this, Miss Pollard told him that the ten notes had been returned to her with a draft for \$500, and had also shown him the receipts for two bills which Mrs. Fillette had told people so much about. Later he had indorsed five notes of \$100 each for her, but he had never received notice that they were paid or protested.

Mr. Wilson asked if the witness did not know that notice of protest on two of these notes had been sent him, but he denied having ever heard of these notices.

“Do you know why this last venture was made?” asked Mr. Wilson.

“I do.”

“Don’t you know the money was to be used in getting her wedding trousseau?”

“It was not. There is not a scintilla of truth in that statement.”

“We’ll go back to that after awhile,” said Mr. Wilson.

During Miss Pollard’s stay at the Holy Cross Academy, said Col. Breckinridge, the relations between Miss Pollard and himself had been resumed, and he met her at assignation houses on Indiana avenue and on H street. This period was two years and a half from some time in 1889.

“Of course there was a mutual feeling that these relations should be kept secret?” said Mr. Wilson.

“I know I was—extremely so,” said Col. Breckinridge, smiling.

"I don't know about her—sometimes I thought she was—at other times I thought she was extremely anxious to have them known."

The defendant told of many experiments to avoid detection in his guilty relations with the plaintiff. Once they secured a private room in an obscure street, but, he said, "After a month or six weeks we found that whenever I came down the street toward the house where that room was, eyes were glued to every window for three or four blocks around, so we concluded that the experiment was rather too risky." Suppressed laughter followed this humorously told experience.

Guided by Mr. Wilson, the witness traced the various changes of abode made by Miss Pollard in Washington, to the Elsmere, to Mrs. Ricketts', to Mrs. Minear's, and to other places.

Mr. Wilson asked Mr. Breckinridge if he blamed Miss Pollard for telling Mrs. Minear that she had been to dine at Col. Breckinridge's house, and the witness said he did blame her for trying to produce a false impression about their relations to conceal the real relations when another denial not involving him would have done as well.

"Well, can you conceive of a more reasonable story to tell?" asked Judge Wilson; and Col. Breckinridge took him up with—"Nor can I conceive of a more acute story to be used subsequently in the prosecution of an improper purpose."

#### HER CIVIL SERVICE INDORSEMENT.

Judge Wilson made Col. Breckinridge read his indorsements of the civil service applications filed by Miss Pollard, in which he pronounced her a person of good moral character, and of good repute, and stated that he would "unhesitatingly" recommend her for employment to his friends. These statements were made under oath.

Col. Breckinridge denied vigorously that he had given Miss Pollard the little decorative basket which had belonged to his late wife, and which was produced at the trial. He denied, too, that he had seen this basket in Miss Pollard's possession at Mrs. Thomas' house on H street. While Miss Pollard was at Mrs. Thomas' the plaintiff went with the witness to an assignation house on Seventeenth street. He denied meeting Miss Pollard out at night by appointment, except once. "We went there to have a conversation,"

got the benefit of, to the enjoyment of the newspaper men and the attorneys, who had been the objects of the previous buffets. Who will be the next to get thumped is a matter of curiosity. The marshals and bailiffs, it must be said, are the only ones left unassailed, or, it may be, the little old colored janitress in beribboned and beflowed white cap, who peeps in occasionally at the plaintiff.

The truth is, that a large number of the people present were members of the District Bar, and to say they are hot is to put the condition mildly.

The course of the prosecution to-day was in the line pursued yesterday, of bringing general reproach upon the defendant, turning the search-lights on his nine years of illicit life and "living lie," as Wilson calls it, and bringing out of the shadows the partly concealed or palliated details in all their unveiled hideousness. This is the expression, not of the writer, but of one of the attorneys for the prosecution.

In some respects it was successful. In others it was distinctly not, and the defendant in some important points bettered his case before the jury and public. And especially is this true of the jury and those bodily present to observe and listen to the defendant.

The change in his manner and expressions has been noted and the impression made by it has been unmistakably favorable to him with the jury, if a close study of that body indicates anything to those who have watched and studied its members for nearly a month.

Either the defendant saw a great light through his own wisdom, or he had for once at least in this matter a good friend to suggest something to him. It is shrewdly surmised that the latter is the case, joined with the former, and that the good friend is the public press and the continual comments upon his oily gammon, silver tongue, injured innocence and tears-in-the-voice style.

During the last two days all that has disappeared in the most astonishing way. No witness was ever more outspoken, apparently frank, willing and anxious to tell all, hiding nothing, extenuating nothing, sometimes aggressive, oftentimes sarcastic in resenting insinuating "questions" of Wilson's, and occasionally approaching pretty near the line of bluffness in demeanor.

It was a case of "presto change;" one was disposed to ask the same question about the disappearance of the former Breckinridge on

the stand that was asked concerning Hans Breitman's party, "Where is that party now?"

If there has been a difference noticeable in the defendant, there has also been one in Judge Wilson—that is, a difference from what was expected of him. That he has been something of a disappointment is certainly true, if there had been less thundering in the index, perhaps this would not be so. It may be due to the great advance advertising of Judge Wilson as the coming holy terror that this disappointment is felt. But for this it might have been that opinion would be more eulogistic of Wilson's conduct of the cross-examination.

It has been all that could be expected reasonably, and upon the whole has greatly strengthened the cause of the prosecution undoubtedly. But there were no tiger's claws and scalping-knives and blood-letting, as was prophesied. No doubt Wilson was wise in his course. Certainly he left no point untouched or undeveloped that would make to the advantage of his client, and, taken altogether, her case up to the present has been conducted with extraordinary ability and shrewdness.

The part of the evidence to-day which was listened to with much interest was that in regard to the Mrs. Blackburn interview. The defendant made many statements directly contradictory of what Mrs. Blackburn had testified, but he repeatedly declared that he had no intention of impugning her veracity. He simply claimed that her memory and his were at fault, and, furthermore, that she had got the several conversations or expressions made in them confused.

Another point attracting some comment is that persistently maintained by him that he never, from beginning to end of their relations, made any demonstrations of love and affection to the plaintiff. He acknowledged that there might be some differences of opinion as to what constitutes a demonstration of affection, but he stuck to it that he had never on any occasion showed her any evidences of love.

He described the occasion when she came to his house and demanded that he marry her, or she would kill him or herself. They went together to the house on H street, in which they had been in the habit of visiting, and there after a long talk they got into a quarrel, and were finally warned by the landlady that there were other Congressmen in the house, who would surely recognize his peculiar voice,



and cautioned them to be quiet. After he had sworn he would die before he would marry her, she threw up the window and threatened to arouse the whole neighborhood with her screams. He was desperate, and told her to go ahead. As long as there was to be an outbreak, it might as well be as bad as possible. She finally compromised on a proposition to remain in her condition as a mistress, drop from society, in which she was getting slighted and cut, so long as he would marry no other woman.

That was the only thing she would ever consent to short of an absolute marriage, and that was only to calm him after one of her outbreaks, threats of exposure or threats against his life.

Wilson developed some peculiar points in regard to the momentous 9th of April, 1893, in New York, and put them together. He had signed the marriage certificate, and written in it that it was his second marriage, when Dr. Paxton, his wife and all present knew it was his third. He made no explanation of his act except that Dr. Paxton told him to put it down that way. When asked, he said: "It was my third marriage, and that was known to all there. I called attention to it. Dr. Paxton asked me to fill out the certificate, as he had a headache."

"The putting in of 'second' was not an inadvertence?"

"No. We talked about it."

"You knew that was to be a record?"

"Oh, yes."

After the secret marriage he went to a hotel and registered as William Cabell and wife. "It is one of my middle names," said he. At the same hour he was registered at the Hoffman, and Miss Pollard was there in a communicating room registered as his daughter, "Miss Breckinridge." It was when he went there from the other hotel, the Loyerot, that she made the alleged attempt upon his life.

The situation was certainly in the condition of a proverbial "tangled web" at that time. His only explanation of the secrecy of the marriage was persisted in, namely, that it was to give his wife an opportunity to go out and win the affections of his children after getting acquainted with them. The relations with Miss Pollard had not an earthly thing to do with the secrecy of the marriage. Wilson tried to find out why she could not have won their affection without being se-

cretly married, and whether it was not practicing deceit on the children, &c., but the defendant stuck to it that he had given the whole and only reason.

The several conversations between the plaintiff and defendant on the matter of suicide of the former, her gruesome preparations for the act, &c., were detailed even to the distribution of her belongings to friends and relatives, and sending to the express office a large box of clothing, which she claims he went with her to reclaim.

Colonel Breckinridge looked extremely pale as he stepped to the witness-stand this morning. The first question which Judge Wilson asked him was whether he had ever been in Goldsborough, to which he replied that he had been in the little hamlet once to make a speech at a barbecue, which he thought was in 1886 or in 1888. He did not remember the colored woman who opened the door at 1819 H street, the day after he took luncheon there in April (as heretofore testified to), nor having complimented her on the luncheon.

“Did you not say to her that when you and Madeline went to keeping house you wanted her to come and cook for you?”

“That is entirely fanciful. I never said anything of the sort to any colored woman.”

“Did she not say that she had been in service in that family a long time, and did not want to leave?”

“No such conversation could have occurred.”

Referring to the Colonel's statement that he had made no protestations of love to Miss Pollard on the occasion of that momentous carriage ride, when seduction is alleged to have occurred, Mr. Wilson asked him when he had first begun to talk to her affectionately.

“I never did make protestations of love. I talked to her kindly, encouragingly, when she was depressed; endeavored to get her to do something to make a place in the world for herself. I spoke solicitously to her, particularly when I first learned that she was pregnant by me, having the interest in her which a man might for a young unmarried woman who had such circumstances in her life, for which he felt that he was in a measure responsible, since their lives had become interwoven.”

“There were no expressions of affection?”

“There were expressions of affectionate interest, but not such as

could be construed into an intimation that our relations could be on a different basis than they were."

"Then it was a sort of business interest for her welfare?"

"Expressions of kindly interest."

"Were there expressions which might be understood by her to be expressions of love?"

Colonel Breckinridge wished to draw the distinction carefully between expressions and demonstrations. He said there was nothing but perfect understanding on their part of their relations; that they went to houses of a certain character for a certain well understood purpose; they stayed there such a time as their pleasures or necessities demanded. "I took her in my arms and kissed her. There were all the accompaniments of such a relation, which was carried out not coldly or brutally."

"There were no expressions of love on her part?"

"I would not say that. She was at times very demonstrative, at times otherwise."

"Your relations were those of lust rather than love?"

"I would not say that, for we often met at times when physical intercourse was impossible. She was a young woman of colloquial talents, sprightly and interesting."

Again Mr. Wilson led the Colonel to repeat the distinction he drew between the injury to the young man and the destruction of a young woman from illicit relations.

"And do you think," he asked, "that a man is under obligations to prevent the destruction of a young woman?"

"Most assuredly I do, and if he does not he should be punished. I have had my punishment, and am trying to take it without complaint."

Mr. Wilson asked when the subject of marriage had been first mentioned between them, to which the Colonel replied that it was in September of 1892, when she first spoke of going to Berlin. He had told her that for many reasons, among them the disparity of their ages; that since he knew what he did of her relations to Rodes, and that as she had bled him for three years and thrown him away like a sucked orange, marriage between them was impossible.

"You had a contract as binding as hers to Rodes?"

"Much more binding," replied the Colonel, referring to his marriage.

Then Mr. Wilson got his affirmative answers to the questions that Miss Pollard had associated with the best families of Kentucky in the city, had lived in houses of the highest respectability and was a brilliant young woman.

"Your relations were carefully concealed," asked the attorney, "so that there were no impediments in that direction?"

"We had endeavored to conceal them, but they were known to several people."

"There was never from you any proposal of marriage?"

"Never under any circumstances," most emphatically.

"Then it was understood that you were to carry out the semblance of a marriage contract which you both understood was never to be fulfilled?"

"There was the semblance of a contract to be carried out before only one living person, and that person Mrs. Governor Blackburn."

After more fencing, the Colonel stated that the contract before Mrs. Blackburn had been made to enable Miss Pollard to die out of his life and separate from Mrs. Blackburn.

"And with a view of enabling her to die out of your life and Mrs. Blackburn's, you took her to Mrs. Blackburn and said you would place her under Mrs. Blackburn's care?"

"I did not. My recollection and the recollection of Mrs. Blackburn upon that point differ as to the meaning of my words."

"And you went to see Mrs. Blackburn again, alone?"

"I went to see her several times afterwards."

"And you caressed the plaintiff in her presence, as a part of that deception?"

"I did not caress the plaintiff. I will explain that."

"But what passed there was for the purpose of carrying out the deception?"

"Indubitably."

In further cross-examination Mr. Wilson brought out the fact that in filling out the certificate of marriage of Mrs. Wing to Colonel Breckinridge, it was made to appear that that marriage was the Colonel's second, whereas it was really his third; that he had asked



Dr. Paxton not to make that marriage public, and that after his marriage with Mrs. Wing he stopped with her at the Hotel Logerean, in New York, registering as Wm. J. Cabell and wife. Colonel Breckinridge could not recall that at that time he had sent certain telegrams to Mrs. Blackburn.

Mr. Wilson persisted.

"I deny that I have any recollection of it having happened in that way."

Colonel Breckinridge's version of the conversations between himself and Mrs. Blackburn regarding the trip to Europe differed radically from that lady's, as did his memory of what she had said about being obliged to withdraw her protection from Miss Pollard unless they were more discreet in their conduct. "That did not happen in that form and in that connection," he said, and his answer was substantially the same regarding his (Breckinridge's) requests that Mrs. Blackburn should go to New York with the plaintiff until they were married.

"I was urging her, so far as I could without exciting her suspicion, to get the young woman out of town. I endeavored to leave the impression on her mind always that we were engaged. If I may use such a word, I was honestly endeavoring to carry out the contract with Miss Pollard to deceive her, and I do not blame Mrs. Blackburn for feeling a little acerbity."

"Do you deny that?" Mr. Wilson demanded, after reading Mrs. Blackburn's testimony regarding his description of the interest he felt in Miss Pollard and of the standing of her family.

"I have no recollection of that, and my recollection is that it happened in a different way," was the final answer, and later the witness said: "Mrs. Blackburn puts her own construction on my words," in commenting on this part of her testimony.

Regarding the testimony of Mrs. Blackburn that he had told her that he had never paid the slightest attention to Mrs. Wing, but to have it repeated that he was engaged to her would familiarize his family with the idea of his re-marriage, and when Congress adjourned he was going home to make arrangements for his marriage, Mr. Wilson asked for the witness' recollection on that point.

"Part of that was never said by me, according to my recollection,

and part of it was never said at all," was the answer. "Congress was already adjourned, so that shows that Mrs. Blackburn confuses these conversations, although she honestly endeavors to repeat them."

"Do you deny that you told Mrs. Blackburn you were not to marry Mrs. Wing?"

"I do not emphatically deny that I ever said that. Mrs. Blackburn gets the different conversations commingled. I can not myself remember the exact words of conversations after a few weeks."

Mr. Wilson then read the direct testimony of the Colonel regarding the first interview with Mrs. Blackburn, upon which the Colonel commented that he had told the whole truth about it. Then Mrs. Blackburn's testimony was read, and Mr. Wilson asked him if it had occurred, to which the Colonel replied that she had recollected it differently from the way he had said it; that she had construed his expressions of gratitude for what she had done in the past into requests for her protection in the future.

"Do you deny this?" asked Mr. Wilson, "that you said to Mrs. Blackburn, 'I intend to marry this young woman when a sufficient time has elapsed after the death of my wife.'"

"My recollection is that nothing was said about my wife at that interview. Mrs. Blackburn seems to have confused that with a subsequent interview."

All of Mrs. Blackburn's statements being read to him categorically, the Colonel said that Mrs. Blackburn's recollection differed on all these points from his own. He denied that he had said that he was thirty-one years older than the plaintiff, and was sure that he had not said that she supposed he was foolish to marry a woman so much younger than himself. He was sure that Mrs. Blackburn must have confused things said by the plaintiff about the matter with what he said, and must have put into her own language her understanding of his statements.

"I have no recollection of that," he said of Mrs. Blackburn's recital that on his second visit he had said that he noticed she was much shocked by the announcement of his engagement.

"I am sure I have no recollection of that, he said when confronted with Mrs. Blackburn's statement that he was giving a poor return for all the devotion of his wife.

“I deny that that occurred in that way, and in that connection,” was his answer when Mr. Wilson pinned him down to a direct statement regarding his story to Mrs. Blackburn that, being a man of honor, he had been obliged to propose marriage to Miss Pollard on discovering her feelings toward him.

“Now, Mrs. Blackburn says that she told you you had an unusually high sense of honor in that connection. Do you deny that?”

The Colonel was sure that Mrs. Blackburn had not told him that she had told Miss Pollard that if his attentions to Mrs. Wing were as she had represented, he was a villain. “I am sure Mrs. Blackburn did not use such an offensive word in her own parlor to a visitor. Mrs. Blackburn was a lady I have known for years, and as a hostess she would not have said such a thing.”

Mr. Wilson endeavored to pin down the Colonel to a denial of the statement that he had told Mrs. Blackburn that he had no love for any other woman than Miss Pollard, and finally secured the answer: “I am sure that no such conversation occurred.”

“You do not remember it?” said Mr. Wilson.

“Well, I will say that I do not recollect that such a conversation happened.”

Regarding the scene when Miss Pollard had asked him to name the day, called him Willie, and he had stroked her hand affectionately, and he said: “No demonstrations before Mrs. Blackburn,” he said. “Such a scene did happen, and it was a superb piece of acting.”

Much more of the same kind of colloquy between counsel and defendant took place, on the one hand an effort to elicit the admission that there had been a promise of marriage, and on the other a vehement denial that any such promise had been made, and a reiteration of the oft-repeated statement that Mrs. Blackburn’s evidence was based upon a commingling of conversations held with the defendant and plaintiff at different times.

Further on in the cross-examination Mr. Wilson asked: “Don’t you remember that she spoke to you regarding your relations with colored women?”

“I never heard of that until she spoke of it on the stand.”

“Did you on any occasion visit the plaintiff at Mary McKondle’s on Second street, in this city?”

"No, I did not. I never did," with great emphasis.

"In January, February or March, 1888?"

"I never did. I know that that is the place the plaintiff and Dr. Parsons have located as the house where the child was born. I know there is a woman of that name, who will be called upon to swear that I was there. I know that certain persons have been sent there to train her as to what she will testify. I never was there. It is false."

"You say certain persons have been there to train her. Has anyone been there on your behalf?"

"I sent my son there because I had heard she was to be called to testify, and that she had been seen by another witness in this case, regarding her testimony."

"Did you communicate with the plaintiff there by advertisements in the Evening Star, and did you arrange to have typewritten letters prepared for your communication with her, with some person in this city?"

The Colonel was strenuous in his denials. No such arrangement had been made by him or for him to his knowledge, and such advertisement, if published, would not convey any information to his mind.

With this reply Judge Wilson quietly returned the defendant to his own attorneys for redirect examination.

Mr. Butterworth drew out the Colonel on the conversations between himself and Miss Pollard regarding their marriage. She had told him, he said, that she had no friends; that her only intimate girl friend had gone insane, his wife was dead, and there was nothing to prevent him from marrying her. He replied to this with some anger, and she had said that if he would change his tone she would retire from society, give up trying to go into society, and be his mistress, take care of his room and do his typewriting. He had told her that under the circumstances she was the best person who could do his typewriting.

She had insisted that she would not leave him, but would go wherever he went. Then they had walked together to a house on H street, which they had been accustomed to visit. His anger had cooled. He sat down. She sat on the floor with her arm on his knee, and they talked far into the night, she saying that she did not care if there was a scene there. He had told her that after their



relations he could not marry her, that no man could be expected to marry a woman with whom he had had intercourse unless he had seduced her.

“You know I have not seduced you,” and Colonel Breckinridge continued: “She urged me to marry her on account of those very relations. I said ‘I can’t afford to put Jim Rodes’ mistress at the head of my table.’ She threw up the window and said she would scream. Just then some one rapped at the door, said we were making a great deal of noise; that my voice was peculiar, and there was another member of Congress in the house who might recognize it.” (Laughter.) Colonel Breckinridge smiled and continued, “I did not care to know who he was.”

This narrative was objected to by Mr. Wilson, and Judge Bradley said he knew no reason for repeating it. The defense contended that the particular talk had not been given before, and Judge Bradley remarked that the substance of it had been; that several of the expressions were very familiar to him. Mr. Butterworth acknowledged that the matter was not good for the public, but that Mr. Wilson had endeavored to prove that the defendant’s course had been brutal toward the young woman, and it was due that he should be allowed to make explanations, but the matter was not pressed.

The attorneys had no more witnesses on hand, the cross-examination having ended, as Mr. Shelby said, somewhat unexpectedly, so they asked for an adjournment an hour earlier than usual. Mr. Wilson offered to occupy the time with some of his witnesses for rebuttal, but the defense declined the offer, and the Judge said that he would concede the request not to continue the case to-day, although it had already consumed more time than it should have done.

“If the parties to this case would like to go out first they may do so, and I will keep the crowd back,” said Judge Bradley, as the people began to stir from their seats.

Accordingly, Miss Pollard, with her attorneys, followed by the silvery-haired Kentuckian and his legal forces, filed through the little door between the Judge and jury. Several men made a rush from their seats after them. Judge Bradley’s cheeks flushed and he rapped the desk fiercely.

"Court has not adjourned," he shouted above the rustling: "take your seats there."

Then, pointing to one conspicuous offender, who was half way across the room, with his hat on, he said sternly: "Take off your hat there and go back where you came from. Take your seats."

Turning to the crier, he demanded: "Adjourn the Court," and strode out, pushing his way through the halls and across the street in a crowd of several hundred men and women waiting to catch a glimpse of Madeline Pollard and Congressman Breckinridge.

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## TWENTIETH DAY OF TRIAL.

*Dietz Carlyle the baby's name when Madeline consigned it to the foundling asylum—Mr. Ananias' record is smashed all to smithereens by witnesses in the Pollard-Breckinridge case—Roselle's story of courtship at Wesleyan College clearly contradicted by the testimony of Mrs. McClellan Brown—Judge Bradley's short speech of the preceding day of trial, likening visitors to turkey buzzards, keeps the crowd away—Shifting scenes and new faces.*

There was a constant shifting of scenes and introduction of new faces in the Pollard-Breckinridge drama to-day.

The efforts of the plaintiff to rebut and contradict the testimony of Colonel Breckinridge brought in several new witnesses, some of them from a distance. Yet their names were all familiar from depositions or references made by others during the progress of the case. While there was a constant variety in the scenes presented to-day, and the greatest of interest in the witnesses and their stories, the audience was very slim.

Not for several days has there been such a small array of listeners and spectators.

The sharp speech of Judge Bradley, likening visitors to turkey buzzards watching a sick horse die, undoubtedly kept many people from attending to-day.

The "regulars," however, were there in their accustomed seats, and several old men, with faces like those of church elders, have not

missed a single session of Court since the celebrated case began. It was at these steady patrons that Judge Bradley had hurled his speech, but they all came up smiling and

#### ATTENTIVE THIS MORNING.

They were not disappointed in the proceedings, which were kept full of dramatic interest by the unsuspected presence of new witnesses. As half promised yesterday, Col. Breckinridge was through with his story, and the defense was almost ready to announce the case closed.

The white-haired defendant sat between his many lawyers again to-day, and was more than usually active in directing the line of examination and giving instructions as to legal objections which should be made. Once or twice he was on the point of getting up as his own lawyer, but generally put Colonel Shelby forward to make the technical legal opposition whenever the plaintiff's lawyers asked a very pertinent question. These objections were many on both sides during the day, and there was continued interruption of witnesses, some of whom seemed very anxious to tell even more than the question required of them.

The defense began the battle of the day with Mrs. Leidy, Matron of the Foundling Asylum, to which Miss Pollard claimed to have sent the child born in February, 1888. The defense tried to break down Miss Pollard's story with the statement by Mrs. Leidy that no child such as described by Miss Pollard had been received; that Miss Pollard had not visited the asylum, and that the name pinned on the infant's clothes did not agree with the name mentioned by Miss Pollard in her original story, and which she told again to-day.

#### WITHOUT A VARIATION.

The defense attempted to show that the story of a second child was a fabrication, even as they had attempted to prove that she had never given birth to the first child at the Norwood Asylum. There was a lively and pretty legal fight all morning over the admission of Mrs. Leidy's testimony, and several objections made by Judge Wilson on behalf of the plaintiff were promptly sustained by Judge Bradley. There was a little surprise when the defense called for Dr. Mary Parsons, who had been a valuable witness for the plaintiff.

That the defense should call her in at this juncture was an unusual proceeding, and the plaintiff's lawyers objected. "You have no right to call her for cross-examination," said Judge Bradley, and the defendant's lawyers were for a moment nonplussed.

There was an evident blunder somewhere, and they had their heads together in hurried consultation. Mrs. Parsons had taken a seat and had bowed very pleasantly to Miss Pollard, who smiled back her recognition and evident satisfaction at the Court's ruling.

It did not take long for the defendant's lawyers to decide that they didn't want Mrs. Parsons, and she was dismissed.

In coming in Mrs. Parsons had passed Mrs. Leidy. They met again as Mrs. Parsons went out. The defense called Mrs. Leidy up again to identify Mrs. Parsons.

"I never saw her at the asylum," said Mrs. Leidy.

"But she may have been there?" interjected Judge Wilson.

"Oh, Yes."

"That's all."

In a few moments following another consultation with his associates Major Butterworth announced, evidently with great relief: "Your Honor, we rest our case here."

The interesting features of the day were introduced this afternoon when testimony in rebuttal was brought forward by the plaintiff's lawyers.

The unusual spectacle of several fashionably dressed women in attendance was presented and promised an unusual contribution of new facts. Hitherto Miss Pollard and the Sister of Mercy have been the only females in the room. To-day there were eight women in the room at one time, but the testimony was not of the kind to shock the most fastidious. By the side of Miss Pollard sat Louise Lowell, and two of her lady friends who came merely as companions. Their presence, however, increased expectations, as it was thought new revelations had made the recall of Miss Lowell necessary.

Dr. Cowan, of Pittsburg, John H. Sawyer, of Louisville, and George H. Keene, of Fayette county, Kentucky, all cousins of the plaintiff, were examined mainly to prove the whereabouts of Madeline Pollard in certain years. Then came the most interesting witness of



the day, Mrs. Brown, of Cincinnati. She was Vice-President of the Wesleyan College when Madeline Pollard was a student there, and there was much expectant interest in Court as to what Mrs. Brown would say about Rankin Rosselle. Mrs. Brown was attended by Mrs. La Fetra, of Washington, and took the witness stand as coolly as if about to deliver a temperance address. She removed her veil, handed it to Mrs. La Fetra, and disclosed a remarkably intelligent face, and one quite well known in Cincinnati.

Mrs. Brown told how the register, containing the record of Miss Pollard's entrance, had been found in an old sideboard, and then read the entry regarding the plaintiff, omitting the age, by order of the Court.

It has already been published, however, that the book gives the pupil's age as 16, in 1883. Mrs. Brown had also a tintype made in 1884, which represents her daughter and Madeline as quite young girls. Mrs. Brown proceeded to demolish the story of Rankin Rosselle, declaring that it would have been impossible for any visitor to have held

#### A STUDENT ON HIS LAP

In the parlors of the school. On this point Judge Bradley seemed interested, for he asked several questions on his own account, which enabled Mrs. Brown to express a poor opinion of Rankin Rosselle and to deny his stories. Mrs. Brown proved to be one of the cleverest and most pleasing witnesses of any who have been called, and she declared of James Rodes: "He was an honest man, surrounded by an atmosphere of purity, and with a manner most reverential toward women."

Mrs. Brown was limited in what she said by the exactions of the lawyers, but she managed to give the impression that Madeline Pollard was very young, very bright for one of her years, and an exemplary pupil in the Wesleyan College.

Miss Lowell took the stand again and proceeded to tell what was in the letters which she copied for Colonel Breckinridge in 1886.

There were strenuous objections by the defendant's lawyers, but the best they could do was to "note an exception." Judge Bradley ruled in favor of the plaintiff, and Miss Lowell told a very straightforward

story, which seemed to interest the defendant and cause him to suggest several questions on cross-examination.

Miss Lowell said the letters had made a deep impression on her mind at the time, because of the endearing terms, the protestations of love, the injunctions of secrecy, and the general tenor of the letters, which seemed unusual, coming from an old man.

Mary Yancey, a fat, cheerful-looking colored woman, was ushered in by Lawyer Carlisle.

Mary proved to be a very good-natured witness, and even her appearance caused a general smile in the courtroom. She was the colored cook at Mrs. Thomas's house, who had cooked a lunch for Colonel Breckinridge and Miss Pollard last May. The defendant had denied several things which the plaintiff claimed had transpired during her stay at the Thomas home, and the servant was brought in to-day to prove the truth of Miss Pollard's story.

Among other things, Colonel Breckinridge only yesterday denied having complimented the cook on the lunch, and denied that he had asked her to become cook for himself and Madeline when they were married.

Mary, the cook, declared to-day that the Colonel did say such things, and told a very straight story, bringing several little details which Miss Pollard had overlooked.

In short, Mary fully confirmed what Miss Pollard told on the stand, and flatly contradicted the statements made by Colonel Breckinridge. Mary did even more. She told how affectionate the Colonel was toward the plaintiff, and how he would hug and kiss Miss Pollard every time he could at the house.

"How often did he come?" asked Mr. Carlisle.

"Oh, very often," answered Mary. "Sometimes twice a day; sometimes three times a day. He came so often I could not keep account. When he was away Miss Pollard was getting many telegrams."

Mary told a very interesting and amusing story of the defendant's affectionate manner toward Miss Pollard at a time when the defendant, in his testimony, claims that the plaintiff was "persecuting" him and making life "intolerable."

In speaking of Mary Yancey's testimony, Lawyer Carlisle said, sar-

castically, that it was his purpose to show just how much the plaintiff was "persecuting" the defendant. The witness seemed willing to tell all about the kissing and embracing in which Colonel Breckinridge and Miss Pollard indulged, and added: "I thought the match was already made and thought nothing of their actions."

Cross-examination did not shake Mary's story and she was soon excused.

The defense made an unexpected move by calling Miss Pollard to the stand and questioning her about the birth of her second child, which she said was born at noon on February 3, 1888.

"I only held it in my arms two hours, according to my promise to him," she began.

"Now, now, Miss Pollard," Mr. Butterworth began nervously, warning Miss Pollard with great solicitude to confine herself to answering his questions.

Mr. Wilson also admonished her.

The child had been taken to the Protestant Foundling Asylum, on Fourteenth street, in Washington, where she had visited it with Dr. Mary Parsons once. She continued: "I gave it a little German name. I pinned a note on its clothing so they could name it. I was reading Carlyle and I named it from a character of his, Dietz Carlyle, a name as far as possible from that of Colonel Breckinridge or my own."

The second time she saw the child was on the 3d of May, at Wright's undertaking establishment, before it was buried.

When Mr. Butterworth asked how the

#### FUNERAL EXPENSES HAD BEEN PAID,

She said that Mrs. Parsons had looked after that. She supposed Colonel Breckinridge paid them, but when Mrs. Parsons was recalled to the stand they could ask her.

"That's all, Miss Pollard," said Mr. Butterworth, dismissing her, and then he called for Dr. Mary Parsons, who was not forthcoming, however.

Miss Pollard had been perfectly self-possessed while she was being questioned about her child, and had spoken in a low, almost plaintive tone. "I don't know much about those things, you know, Mr. But-

terworth," she had said when he was asking her about the regulations of the foundling asylum.

Some time was passed waiting for Dr. Parsons, and when the Judge inquired the cause of the delay he was told by Mr. Shelby that the defense wished to further cross-examine her about matters she had testified upon for the plaintiff, and which they had omitted to ask her about. The plaintiff's lawyers thought this was a rather unusual procedure, but were not disposed to press objections. Pending the arrival of Dr. Parsons, a middle-aged lady with spectacles, who had been sitting in Court, was called. She announced her name as Mrs. Leidy; said she was employed in the Census Bureau, and in 1888 had been Matron of the Washington Foundling Asylum on Fourteenth street.

The record of the asylum for that year being shown her, she identified the record of a child brought there by a large colored woman, with a paper pinned on its clothing. A slip of paper which she thought had come on the clothing

WAS PASTED IN THE BOOK.

The objection to the introduction of the book was sustained without explanation. Exception was taken. Attorney Shelby endeavored in other ways to bring out the point he had aimed at, but in each instance was defeated by objections of counsel for the plaintiff and sustained by the court.

Finally, after a prolonged wrangling, the Matron was permitted to testify that the child had been christened "Downing." At this Miss Pollard began to shed tears, and received the attentions of her counsel.

The slip pasted on the asylum record was penned in a feminine, delicate hand, with the words: "Please name my baby 'Dietz Downing,'" and beneath it in red ink, "Died April 18, 1888."

A question from Mr. Shelby as to whether any other child had died in April of 1888, brought the reply: "They die so fast and so rapidly that I cannot keep track of them."

The records, however, would show, the witness said. When Mr. Shelby offered to place the record in evidence it was ruled out.

The defense attempted to put Dr. Mary Parsons upon the stand, but upon Judge Bradley insisting that counsel for Colonel Breckinridge



must understand that she was their own witness called for cross-examination, the plan was abandoned and the witness dismissed. Wm. B. Moore, of the Cincinnati Health Office, testified that no return of a birth attended by Dr. Mary Parsons in February of 1888 had been made. He testified and was not cross-examined. Here the defense abruptly rested its case.

The first witness called by the plaintiff's attorneys in rebuttal was Dr. Wm. A. Cowan, a young man who is Superintendent of the Western Asylum in Pittsburg. He announced himself as the first cousin of Miss Pollard on the mother's side. As soon as Mr. Carlisle asked whether the plaintiff had been a member of his family from 1876 to 1880, Mr. Shelby objected, arguing that such testimony was not properly rebuttal. He was reminded by Mr. Carlisle of the deposition of Mrs. Miller, nee Shinglebower, a woman admittedly of ill fame, who had testified that Miss Pollard had lived in Kentucky in the year 1877 and 1878, and had committed certain

#### IMPROPER ACTS IN HER SIGHT.

Mr. Wilson also cast reflections upon the character of Mrs. Miller, declaring her deposition to be an infamous lie. In overruling the objection Judge Bradley remarked that "the defendant put on the stand an infamous woman, I say infamous advisedly, from her own testimony." Continuing, the Judge referred to the testimony of Mrs. Miller as disgusting: referred to the fact that Mrs. Miller had testified that she had become a woman of the town at the age of 14, and said the plaintiff should be allowed to purge herself of the contamination which would inevitably come from association with such a woman. He also spoke of the contention of the defense that Miss Pollard could not disprove the affidavit by the surest means by showing that she was not at the place where the specific acts of immorality were said to have been committed.

Dr. Cowan testified that Miss Pollard had been a member of his family continuously from August, 1876, to 1880, and had attended school with his sisters most of the time. The cross-examination showed that he had made a trip West in 1876, and another in 1878, but he was certain that the plaintiff had not been away from Pittsburg at those times. The testimony of Millie Shinglebower had been that

Miss Pollard was living in 1877 and 1878 five miles from Lexington, Ky.

During the legal arguments which had preceded the testimony, Miss Pollard, who had been engaged for an hour in taking notes, left the courtroom. Another relative of the plaintiff, Charles Sawyer, testified that he had lived in the same house (Aunt Keene's, near Lexington) with Miss Pollard from 1880 to 1883, and that in all that time the plaintiff had not been from home over night except for a period of 10 days in 1882, when she was visiting at an uncle's in Guttenburg.

George H. Keene, another cousin, gave evidence of a like character.

Mrs. McClellan Brown, wife of the former Principal of the Wesleyan Seminary, bearing a large book, took the stand, and was about to refer to this volume, stating that it was the school record, when the defense objected, but Judge Bradley admitted the book, but finally Mrs. Brown's examination was limited to rebuttal of Roselle's testimony. Mrs. Brown then detailed the rules of the seminary as to gentleman callers. She had seen Roselle at the seminary. Mr. Carlisle asked: "Was it possible for a young man to hold a young lady in his lap there for an hour and a half in the evening?"

Mr. Shelby shouted an objection, and it was sustained. Mrs. Brown went on to state that young ladies were not permitted to see young men alone at all, and never to

#### SEE THEM BUT ONCE A WEEK.

"We had two young ladies that year who were engaged, but they were allowed to receive callers but once a week. The young ladies received their visitors in public in the public rooms."

When asked to tell what manner of man Mr. Rodes was, she said, impressively, as though delivering an oration: "A country gentleman of honest face, of decent habit and manner, of a pure atmosphere and language, and reverential toward ladies. He was an admirer of Miss Pollard's intellectual attainments, anxious for her best development."

"Bright, but not deep," was the description she gave of Miss Pollard's mind, on cross-examination.

"You would hardly expect a school girl of that age to be deep.

The victory she won was not able," the witness continued, "because of her youth. Her opponents were much older."

"Judging her youth from her representations," interposed Colonel Philip Thompson.

"No; from her appearance," declared Mrs. Brown.

Judge Bradley took a hand in the questioning, eliciting the information that on Friday nights there usually had been from fifteen to twenty-five callers in the parlors of the school.

Mrs. Louise Lowell was recalled, and over the objections of the defense, permitted to tell the substance of the letter to "My dear Sister Louise."

There was much difficulty in getting the statement in proper form.

Mrs. Lowell began: "I thought from the beginning of 'My dear Sister Louise' that—" but was halted by a storm of objections, being informed that her thoughts were not wanted.

Starting on a new tack, she said: "Naturally from the tenor of the letters," to again be waylaid by the protests of the defense. Finally, when pinned down to telling the substance of the letters, she related: "He spoke of the great disparity between their ages, of his great love for her, and, I think, used the expression that he never knew two of the same family of such different ages who loved each other so well. That was the tenor of the whole letter and of other similar ones which followed it. In one he spoke highly of some manuscript which had been sent him for criticism, and told how proud he was of the person to whom the letter was addressed. He told how impatient he was to get away from the duties which kept him from her, and described in glowing terms the meeting they would have when he returned.

Enter a plump colored woman of exceeding dusky hue, with a wealth of flaming scarlet flowers in her bonnet.

Mary Yancey, as her name was, had cooked in the house of Mrs. Thomas, at 1190 H street, last May. Mary did not know the meaning of the word plaintiff, but did know Miss Pollard; she also knew Colonel Breckinridge, who "visited Miss Pollard there."

"Did you ever see that basket, Mary?" Mr. Carlisle inquired,

handing up the work-basket, once the property of the late Mrs. Breckinridge.

"Oh, yes," was the unctuous answer, "seen it thousands of times.

"THAT'S MISS POLLARD'S WORK-BASKET."

Objections, but overruled, and Mary proceeded to tell how on a day in May Colonel Breckinridge had lunched with Miss Pollard, how she had seen Colonel Breckinridge "a-sittin' on the sofa with Miss Pollard, and she a-sewin' from the basket. It had a blue bow on it and a blue silk linin'."

"Now, Mary, what, if anything, did Colonel Breckinridge say about that lunch to you?" was the next question of Mr. Carlisle.

More objections on grounds of materiality, and others that this was purely direct testimony. Another ruling adverse to the defendant, more protests from Mr. Shelby, based on authority, and Mary continues: "Well, the next day he walked into the parlor. He said to me, 'Mary, that was an excellent lunch, one of the nicest lunches I has et in all the days of my life. Miss Pollard said to me that you cooks like that way all the time, and I would like to have you come and cook for us when we goes to housekeeping next fall.' Says I, 'I have been living with my people sixteen years, and I has no cause to leave them.'"

All this was said very slowly and with great impressiveness, the colored woman evidently realizing that she was taking part in a drama of importance.

"Did you see Colonel Breckinridge call on Miss Pollard at the house, and what was the manner of their greeting, in April and May?" was the next admitted over objections.

"He would often throw his arms around her when she would come," said Mary, "after I had taken up his card, and he would always bring a bunch of flowers to her."

"Did Colonel Breckinridge call often?"

"Often, very often."

"How often?"

"Sometimes every day, sometimes twice a day, sometimes three times a day. Mr. Breckinridge called to see Miss Pollard two or three days exceptin' when he was out of the city. He was absent



from the city two or three times, and them times telegrams would come."

Colonel Breckinridge had said they were going housekeeping in the early fall. He had kissed Miss Pollard and put his arms around her when he called during the month of May. (After his marriage to Mrs. Wing secretly in New York.)

Mrs. Minear, who had appeared before, the landlady of the Lafayette Square House, was called and asked if Miss Pollard had been there during the month of August, 1892, and the question was objected to. Mr. Carlisle explained that Colonel Breckinridge had testified that Miss Pollard was not in town that month, but Mr. Shelby returned that he had only testified that he did not see her in that month.

The question being admitted Mrs. Minear asserted that from her books she learned that Miss Pollard was there on the 31st day of August, staying for a few days. This was the time when Miss Pollard asserts Colonel Breckinridge met her at the depot on her arrival in the city and proposed to marry her formally for the first time.

Here the Court adjourned.

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## TWENTY-FIRST DAY OF TRIAL.

*Miss Pollard's turn at denials—Miss Pollard says "No" with theatrical emphasis—Lawyers take the case to-day.*

Continual contradictions and denials were the striking features in the closing hours of the Pollard-Breckinridge case to-day. The testimony is all in. No more witnesses will be called, both sides have rested and the oratorical display will begin on Monday.

All of to-day was given to a series of denials and rebuttals of a sweeping character on both sides. The defense with witnesses, and the defendant himself, gave the lie to many statements which had been made for the plaintiff.

The plaintiff herself, and witnesses called by her lawyers, gave the lie direct to many statements made by the defendant and those called to support his cause.

It was generally understood that to-day's session would witness the close of the case as regards testimony. There was a languid air of indifference in the room. The audience was slight, and even some of the regular patrons were

## MISSED FOR THE FIRST TIME.

One person alone was not languid or indifferent. That person was Madeline Pollard. She was alert and busy, giving short whispers to her counsel and watching every move made by the opposing lawyers. She displayed more spirit than she has since the days of her soft-voiced testimony of two weeks ago. Nor was she altogether soft-voiced to-day when recalled to the stand to refute some recent testimony given by her foes. Several times she raised her voice to its highest pitch, and it penetrated every corner of the room. She was earnest and defiant, almost impatient at times in her answers, so much so that there was some surprise at her sudden show of a resentful spirit.

In denying acquaintance with John Brand, Mollie Shinglebower and others, who had traduced her in the vilest terms, Miss Pollard became very indignant, and her tone was not alone emphatic but vehement in denial of their charges of immorality. Likewise when questioned as to her relations with James Rodes, she became half excited in answering: "There were never circumstances which warranted the telling of such a lie on that

## "POOR OLD DEAD FARMER."

She denied the defendant's story of the carriage drive; denied that she fell an easy victim; denied that he gave her \$10.

Spectators in Court could not help turning to look at Colonel Breckinridge every time the plain featured but excited woman would deny point blank the damaging statements he had made in his story, but he did not seem to be disturbed. His manner during such scenes and all day was that of a man who was tired out and who would be glad when the case was ended. At times he would appear bored, and then again he would laugh and chat with his counsel and pass a joke with his son.

The plaintiff's pent-up indignation, which had made her so nervous for several days, had at last a vent, and she made the best use of her

last opportunity. She paid her respects to Alex. Julian, who had told the story of a mock marriage with such unpleasant insinuations. Madeline denied the story in toto, and regretted ever to have called Alex. Julian a friend, as he had proved himself unworthy of such relation.

In his story Colonel Breckinridge had denied that there were any improper relations between himself and plaintiff while both were rooming at Mrs. Hoyt's, in Lexington.

Miss Pollard promptly declared to-day, with more detail than before, that she had been in the room of Colonel Breckinridge almost every night when other inmates of the household were asleep. She told a signal

HAD BEEN AGREED UPON,

How he would slam his door and she would silently glide from her room to his. It was with this story and a few minor details of denial that Madeline Pollard closed her own testimony in a famous case and ended her interesting career on the witness stand. When she stepped down and had taken her seat Judge Wilson announced that the plaintiff's case was closed.

For a few minutes Colonel Breckinridge was on the stand, this time to make a few more final denials.

Some of them were trivial and technical, but he was not allowed to make a detailed denial of the plaintiff's story about their relations at the home of Mrs. Hoyt. Judge Bradley ruled that this had already been denied by the defendant, and that it was not competent.

He closed his story and his case by denying that he ever wrote a letter referring to a manuscript as

MISS LOUISE LOWELL HAD TESTIFIED.

His last word was to deny a woman's story and then he stepped down, rejoined his lawyers and looked immensely relieved when Colonel Shelby remarked: "This closes the case for the defense."

The prosecution had nothing more to offer. For 29 days the case has been before the court, and great volumes of testimony have been taken and will be piled up before the jury when the arguments begin. The lawyers promised to have their prayers on the subject of testi-

mony by to-morrow morning, and the court will decide on the admission of the testimony in dispute.

By Monday all will be ready for oratorical efforts.

Mr. Carlisle will open for the plaintiff. Mr. Shelby or Mr. Thompson will open for the defense.

Mr. Butterworth will make the last appeal for Colonel Breckinridge and Judge Wilson will close the case.

Judge Bradley will charge the jury, and by Wednesday night the famous Pollard-Breckinridge case will have passed into history.

Madeline Pollard's friend, Dr. Mary Parsons, appeared before a slim house to-day, the attendance of elderly men with prurient fancies having fallen off greatly with the conclusion of Colonel Breckinridge's cross-examination in Judge Bradley's Court. Dr. Parson's was called in rebuttal, the desire being to establish the identity of the handwriting upon the slip of paper alleged to have been attached to the clothing of Miss Pollard's child.

The defense did not care to have this evidense, but Judge Bradley overruled objections and Dr. Parsons testified that the slip shown was the identical one which had been pinned to the child's clothing, and that the words "Please name my baby Dietz Downing," were in her handwriting.

Mary McKenzie, a middle-aged colored woman, was next put upon the stand.

"Do you know where this baby that has been spoken of was born?" asked Mr. Wilson.

"In my house on Seventh street," was the answer.

"What was its mother's name?"

"She was called Mrs. Hall."

"Who attended her?"

"Dr. Parsons."

Mary McKenzie had gone with Dr. Parsons to the asylum and given the child into the

#### KEEPING OF THE PEOPLE THERE.

"Did Mr. Hall ever come to visit Mrs. Hall?"

"So she claimed."

"Did you ever see him?"



“Not till to-day. I recognize him by the child,” responded the colored woman, looking directly at the gray-haired Congressman, who sat before her.

The defense did not care to cross-examine Aunt Mary.

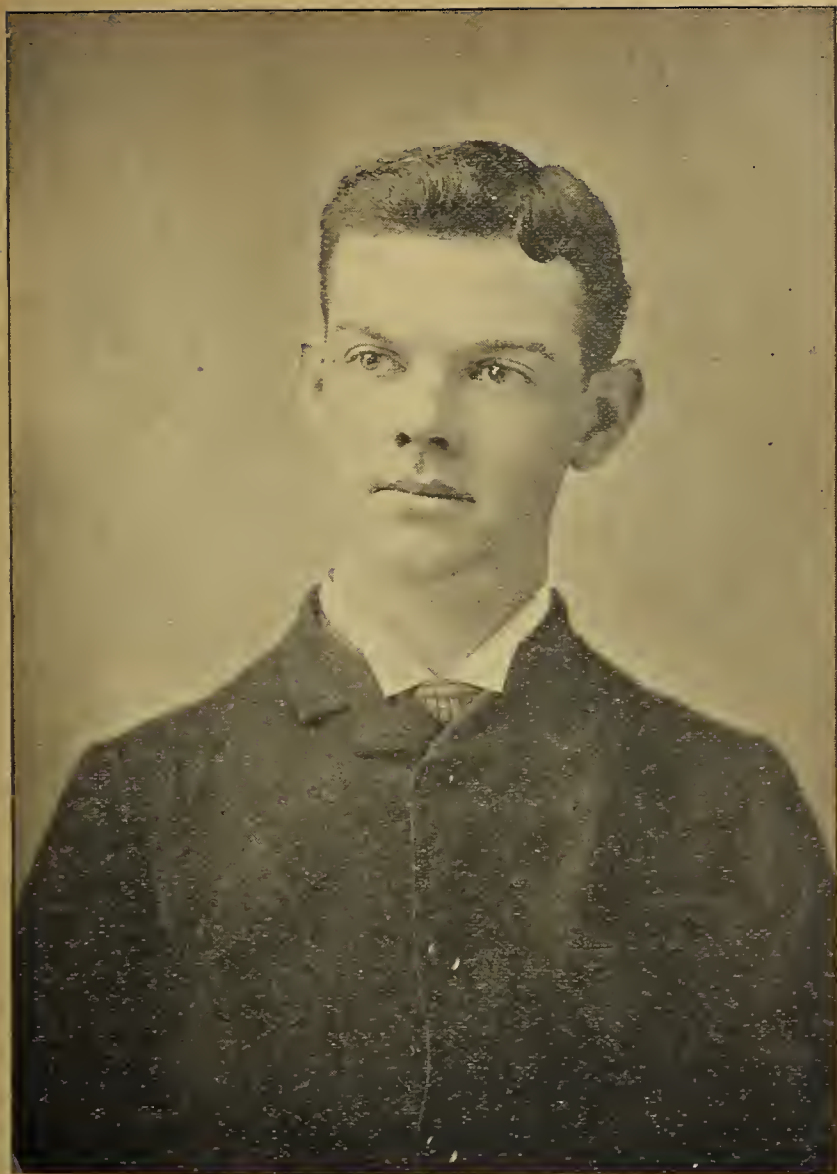
Mrs. Lucretia Marie Minear, the landlady of the fashionable boarding house at Lafayette Square, brought to the stand her account book, which showed that Miss Pollard had arrived at her house on August 31, 1892, the day on which the plaintiff claims Colonel Breckinridge first broached the subject of marriage after the death of his wife.

The four mysterious volumes of Irving, which had figured in that part of the case centering about the Norwood Convent, and in which the disputed Christmas card had been found, were placed on the witness stand. Then Attorney Calderon Carlisle walked to the stand and took the oath. Attorneys on the other side objected, but Judge Bradley ruled that, as the evidence of Sisters Agnes and Augustine might have suggested to the minds of the jurymen the possibility that the card had been put in the book by Mr. Carlisle, it was entirely proper that the latter should be heard upon the subject.

Mr. Carlisle proceeded: “I am able to swear that from the time I took that book from the bookcase until I discovered in it the Christmas card no other hand but mine and that of Sister Agnes touched it. I was looking for handwriting in the book or some other marks of identification. While I was handling it I found between the leaves this Christmas card, which did not have its edges turned up or curled, and had on it the handwriting which you have seen, ‘Compliments of W. S. D.’ There was also the invisible net and the pressed rose leaves. When I found them my client was sitting in the opposite corner of the room, and my colleague, Mr. Johnson was some distance away. No one but myself could have put these things between the leaves of the book when our party was there, and I say to you, gentlemen, on my oath,

“THAT I DIDN’T DO IT.”

Mr. Carlisle’s evidence was fortified by the testimony of Attorney Johnson, who had accompanied him to the convent. Then Miss Pollard once more took the witness stand and made denial that she had



ED. FARRELL.



R. J. Q. MAHONY.

ever known Mollie Shinglebower, Lena Singleton, John Brandt or Miram Kauffman, all of whom had deposed that she had been an inmate of a house of ill-repute in Lexington. She had never heard of Sarah Gess until taken to her house by Colonel Breckinridge; had never sustained improper relations with Rodes nor told Breckinridge that such relations had existed. She had not accepted money from the defendant at the time of her alleged seduction.

Miss Pollard also denied, in all its details, the story of the mock marriage between her and Owen Tinsley on Christmas Day, 1883. Miss Pollard said: "I never was separated from Mr. Breckinridge a day during the nine years that I was in his life, but—" when she was stopped by objections from the defense. She received his letters addressed "My dear Sister Louise," and was in his room every night as she was under Mrs. Hoyt's roof. She had never at any time presented a pistol at his head. There was no understanding that she should deceive Mrs. Blackburn or that she should falsely represent to Major Moore that she was to be married. Colonel Breckinridge saw her take the work basket many times, and said he was glad to see her do it.

With Miss Pollard's retirement from the stand, the plaintiff's rebuttal closed. Then came in surrebuttal Mrs. Liddie, the Matron of the Washington Foundling Asylum, who made a relatively unimportant denial as to the colored woman who brought the child to the asylum. Then Colonel Breckinridge reappeared as a witness and denied that he had told the colored woman, Mary Yancey, that he wanted her to cook for them when they got to housekeeping; that Miss Pollard was ever, to his knowledge, in his room at Mrs. Hoyt's.

This ended the testimony, to the relief of everybody, for it had been drawn out in a tiresome way for several days.

The attorneys arranged to submit their requests for instructions by the Court to the jury on the legal aspects of the case to-morrow, and when the jury was excused until Monday.



## TWENTY-SECOND DAY OF TRIAL.

*Instructions asked for by plaintiff and defendant.—Prayers and the argument.—Reasons why a verdict should be given Miss Pollard.—And reasons why the Colonel should win.*

The lawyers in the Pollard-Breckinridge suit for breach of promise were engaged in presenting arguments before Judge Bradley. It was an occasion of importance in the history of the case. Upon the instructions which are given to the jury by the Court, after the pleas are concluded, depend to a considerable extent the character of the verdict. The prayers of the parties to the suit, asking each a particular set of instructions were offered, and both law and arguments were urged at some length in their support.

The proceedings were not interesting to spectators, who were allowed for the first time during the trial to enter the court-room without permission from the marshal. A large number gathered in the morning, but after the arguments began they soon dwindled away to a handful. Miss Pollard was absent and Colonel Breckinridge did not appear until late in the forenoon. Major Butterworth was away, having gone to Cincinnati to make a political speech. Mr. Stoll was also absent during the whole of the day. The arguments for Colonel Breckinridge were made by Mr. Shelby, and those for the plaintiff by Mr. Johnson and Mr. Wilson. The hour for the hearing was fixed at half-past 10 o'clock, but there were numerous lawyers waiting to dispatch business for their clients, and it was some past 11 o'clock before the hearing began.

### THE BURDEN OF PROOF.

The arguments covered many matters of legal interpretation involved in the case, and the authorities bearing upon breach of promise suits which have been decided in many States were brought into the court-room and liberally quoted from. They centered for the most part, however, around the attempt of the counsel for each side to shift the burden of proof to the

opponents. It was maintained by Mr. Shelby that the plaintiff must prove the existence of the contract of marriage before she was entitled to recover. Mr. Johnson and Mr. Wilson contended that Colonel Breckinridge had acknowledged the promise in his testimony, and had set up as an excuse for it an agreement previously entered into by himself and Miss Pollard. Having acknowledged the charge, he must prove the existence of the agreement.

The matter of the secret marriage was also in issue, and on this point the tenor of the arguments were almost directly opposite. It was contended that if Colonel Breckinridge was married to Mrs. Wing, as he acknowledged, he could not be held responsible for any promise of marriage, or for any repetition of a promise to marry her after that date, as it was impossible for him to enter into such an engagement. Any repetition or avowal after that time, the plaintiff's counsel asserted, on the other hand, was but an aggravation of the injury, and it could not be set up in any way in defense.

There was much debate over the character of Miss Pollard as affecting the verdict and the amount of damages. Mr. Shelby maintained that if her life, prior to her acquaintance with Colonel Breckinridge, was improper, and in this respect unknown to him, it would warrant him in refusing to carry out a contract, if one existed. Imprudent conduct with any other man than James C. Rodes was cited as an instance which seemed warrant for such a refusal. This was denied by the other side.

#### LIMIT FOR THE ARGUMENTS.

Judge Bradley reserved his decision on the instructions. Before the adjournment of the Court, he asked for some understanding about the time the counsel would require for their arguments before the jury, and stated that it seemed to him that five hours for each side would be sufficient.

Mr. Wilson maintained that this would be hardly enough to review the testimony.

Judge Bradley said in reply that he thought a large part of it could be classified in presentation to the jury, but stated that

he would fix the minimum time at five hours. He added that he thought it should also be the maximum. He made no comment upon the instructions except that he could see no reason why the existing marriage should be any defense.

#### PRAYERS OF THE PLAINTIFF'S COUNSEL.

Mr. Carlisle first addressed the Court, when the case was called, and read at length the prayers which his client desired. They were :

“ I. The jury are instructed that this is an act for a breach of a contract for marriage. If the jury find from the evidence that there was a mutual promise of marriage, as claimed in the declaration, that would constitute a breach of contract. And the jury are further instructed that if, after such contract was made, the defendant married another person, that would be a breach of the contract, and the plaintiff would be entitled to recover; and it would be no defense to this action that he had carnally known the plaintiff before or after such contract; nor would it be a defense that she had illicit intercourse with another person before she had such intercourse with him, if he knew the fact at the time of making the contract.

“ II. The defendant denies that there was a contract of marriage. His contention is that there was a mutual agreement between the plaintiff and the defendant that the promises of marriage were not real and were not intended to be kept, but were made to deceive. The burden of proving such agreement, or agreements, is upon him, and he must prove by a preponderance of evidence that there was such a mutual agreement. He must prove that the plaintiff understood and assented thereto. If he made the promise intending not to keep it, while she accepted the promise as made in good faith, it is binding upon him, and the verdict must be for the plaintiff.

“ III. The jury are instructed upon the whole in this case their verdict must be for the plaintiff, unless they find from the evidence that the plaintiff agreed with the defendant, before making any promise of marriage, that the same should not be bind-

ing; and to establish this fact, the burden is upon the defendant, and he must establish it by a preponderance of evidence.

"IV. The jury are instructed that if they believe from the evidence that when the defendant promised to marry the plaintiff, as he admits that he did, whether he did so in good faith or not, that the plaintiff in good faith accepted said promise and agreed to marry the defendant, then there is no evidence of any legal justification, or excuse, for not marrying the plaintiff, and their verdict must be for the plaintiff.

"V. The jury are instructed that they are bound to render a verdict for the plaintiff in this case, unless they find by a preponderance of evidence that the plaintiff did accept the defendant's promise of marriage, but agreed with him that the same should not be binding; and they are further instructed that the defendant, having made the promise and acknowledgment of the engagement to marry, the burden is upon him to show by a preponderance of evidence that such promise and acknowledgment were agreed by the plaintiff not to be binding upon him."

#### BAD FAITH NO DEFENSE.

"VI. The jury are instructed that if they believe from the evidence that the defendant made any of the alleged promises of marriage in bad faith, not intending to keep the same, and further find that the plaintiff accepted such promises in good faith and agreed to marry the defendant, that the bad faith of the defendant is no defense in this action, and their verdict in his action should be for the plaintiff.

"VII. In determining whether the plaintiff in good faith understood and believed the defendant to be sincere in his promises to marry her, or whether she understood and agreed that the said promises were not to be kept by the defendant, the jury are to consider the condition of the plaintiff at the time and place, and also the conduct of the defendant at or about and after such promise, and if they are not satisfied by a preponderance of the evidence that the plaintiff did so agree with the defendant, their verdict must be for the plaintiff.

"VIII. If the jury find from the evidence that the defend-



ant made any of the promises of marriage to the plaintiff as claimed by her and testified to by Mrs. Julia C. Blackburn, Major William G. Moore, or other witnesses, or that he acknowledged himself as engaged to marry the plaintiff, which promises were accepted by the plaintiff, then the burden of the proof is upon the defendant to establish by a preponderance of evidence, any defense to or release from any such promise, and it would not be a defense if he had had illicit relations with her before or after such promise, or that he had been informed by her prior to said promise that she had had illicit relations with another.

“IX. The defendant having asserted that he had had carnal knowledge of the plaintiff before the making of the alleged promise to marry, and having asserted that he knew she was not a virgin and free from sexual fault at the time of his first intercourse with her, the jury are instructed that, even if they believe from the evidence that the plaintiff was not chaste before such intercourse with the defendant, and that he knew of such previous unchastity, that such facts would not justify a verdict for the defendant if the jury believe that the contract of marriage was therefore made. —

“X. If the jury find from the evidence that the plaintiff did tell the defendant, as he states, that she had been imprudent with James C. Rodes, and thereafter, and when he was an unmarried man he promised to marry the plaintiff, and she hid from him the fact that she had informed him that she had had illicit relations with the said Rodes would not effect the validity of his contract of marriage or further justify his refusal to keep said promise and their verdict must be for the plaintiff.

“XI. The jury are instructed that the fact, which the defendant admits, that he was secretly married without the knowledge of the plaintiff, on or about the 29th day of April, 1891, after some of the alleged promises to marry her, the plaintiff does not constitute a defense to this action, and is no bar or impediment to the right of the plaintiff to recover, but the fact should be considered by the jury in aggravation of the damage if they find for the plaintiff.

“XII. If the jury find from the evidence that the defendant

was married on the 29th day of April, 1893, that he kept, and caused to be kept, that marriage a secret thereafter, and that without disclosing the fact of that marriage he promised to marry the plaintiff, or repeated or avowed a previously made engagement of marriage with her, such secret marriage would be no defense to this action, but the fact should be considered by the jury in aggravation of the damages if they find for the plaintiff.

"XIII.—The jury are instructed that if they find for the plaintiff in estimating the damages they are to consider all the facts in evidence as to the relations between the parties up to the breaking of the promise, the prospective pecuniary and social advantages to the plaintiff from such marriage, the injury to the plaintiff's feelings and reputation by its violation, the manner and circumstances of its violation, and the suffering of the plaintiff caused thereby, and its effect upon her means of earning a livelihood in the future; and the jury are also to take into consideration the wrong committed by the defendant and may award exemplary damages as well.

"XIV. If the jury find for the plaintiff, and further find that the defendant to a third party announced his promise to marry the plaintiff, and he did so after he had violated that promise by secretly marrying another and concealed such marriage, they are to consider each of such circumstances in aggravation of the damages; and the ability or inability of the defendant to pay damages does not affect the plaintiff's right to a verdict.

"XV. If the jury find from the evidence for the plaintiff, and if they further find that the plaintiff was chaste and pure from sexual fault, save with the defendant; or if they further believe that the defendant knew this, and that the attempt to impeach the plaintiff's chastity and character was not made in good faith by him, but merely as a means of defense, or to injure the plaintiff, then they may consider those facts in assessing the damages, but the jury cannot award more than the amount charged in the declaration, to wit, \$50,000."

#### PRAYERS OF THE DEFENSE.

Mr. Shelby then read the instructions desired by Colonel Beckinridge, as follows:

" I. Before the plaintiff can recover in this action, the jury must believe from all the evidence that the contract was entered into between the plaintiff and the defendant by which they agreed with each other to become husband and wife.

" II. If there was an actual agreement to marry, entered into by and between the plaintiff and the defendant, then no statements made in the presence of other persons would constitute of themselves a contract of marriage. If, therefore, the parties did in the presence of others say or admit that they were to be married, such statements are not to be taken as constituting or evidencing the existence of a contract between them if they were made pursuant to a mutual understanding for a different purpose.

" III. The jury are instructed that the burden of proof is upon the plaintiff, and that they should find for the defendant unless they believe from all the evidence in the case that it was mutually agreed between the plaintiff and the defendant that they were in fact to be married.

#### MARRIED MAN CAN NOT PROMISE.

" IV. The jury are instructed that a married man can not enter into a binding contract of marriage with another person even although the fact of his having married be not at the time known to such person. If, therefore, the jury should find from the evidence that no contract of marriage was entered into between the plaintiff and the defendant, but that at such time the defendant was a married man, they should find for the defendant.

" V. It being admitted that improper relations existed between the parties anterior to any of the alleged promises, terms of affection and intimacy between them, and support furnished by the defendant to the plaintiff are to be considered *prima facie* as growing out of, and due to such relations, and not as evidence of an engagement to marry.

" VI. The defendant having been married to his present wife on the 29th day of April, 1893, any engagement between the plaintiff and the defendant to get married after that date is void and of no effect.

"VII. Even if the jury should find from the evidence that a contract of marriage was entered into between the plaintiff and the defendant, yet, if they further believe from the evidence that, prior to that time, the plaintiff had been guilty of lewd and lascivious conduct with other men, and that such fact was unknown to the defendant, then the defendant was not bound by such contract, but was by said fact of prior lewd and lascivious conduct, if it had existed, released from any obligation to marry the plaintiff, and had the right to refuse to perform such contract; and this is so, whether at the time of his refusal or not, he then knew of such prior lewd and lascivious conduct or not.

"VIII. If the jury shall find from the evidence that the plaintiff had been guilty of lewd and lascivious conduct with a man, named or called James C. Rodes, and that the defendant had condoned such acts with said Rodes, yet, if it shall appear from the evidence that the plaintiff had been guilty of lewd and lascivious conduct with some other man, the verdict must be for the defendant, even if the knowledge of such conduct did not come to the defendant until after his refusal to marry the plaintiff.

#### TREATS WOULD EXCUSE THE DEFENDANT.

"IX. If the jury find a contract to marry existing between the plaintiff and the defendant, and afterward, during such engagement, the plaintiff, by threats of bodily harm or other acts gave the defendant reasonable cause to believe his life or person was endangered by her presence, such acts excuse the defendant from failure to marry thereafter.

"X. Even if the jury should believe that a contract of marriage was made between the plaintiff and the defendant, yet, if they further find that, at the time it was made, the plaintiff was not without sexual fault with other men, but had sexual intercourse with other men, then the verdict should be for the defendant upon the third count of the declaration, even though he may have known of such sexual fault.

"XI. If the jury find that there was a contract of marriage between the plaintiff and the defendant, and also fail to find that



the defendant has been relieved therefrom upon any of the grounds hereinbefore set forth, they may, in mitigation of the damages, consider the plaintiff's general conduct, if the same were imprudent, or bad, or if the same were violent or improper; and they may also consider, for the said purpose, the plaintiff's admitted want of virtue, unless they believe that she was seduced by the defendant."

MR. JOHNSON OPENS THE ARGUMENT.

Mr. Johnson opened the argument at 11:25 o'clock. He said there were probably some matters that required no comment, among which were the secret marriage as a defense, and the statement that Colonel Breckinridge could not urge as an excuse for the violation of a contract that Miss Pollard was unchaste. Judge Bradley declared that he did not wish to hear any argument on these points.

Mr. Johnson said also that it would probably be admitted that there was no evidence of unchastity subsequent to the promise to marry on which the defense would rely, and went on to state that the prayers were intended to present every possible aspect of the case as it should be given to the jury, from their point of view. Misconduct, whether unchastity or violence or anything else, he contended, was only an excuse for breaking a promise. Colonel Breckinridge's own statements on these points were sufficient to prevent him from setting up such an excuse.

Touching upon the matter of the burden of proof, he urged that the presumption of the law is that there is a burden of proof upon him to establish the indecent falsehood of the agreement that the promise was only to deceive. This was the only issue of fact as to the promise. He further reviewed briefly the several prayers and cited authorities to show that the defendant in such an action was as liable for a promise made in bad faith as in good faith. He added quotations from authorities about the establishment of a contract, and that the conduct and language of the woman after the alleged promise could be properly considered. If a promise was made, it was not affected by the fact

of another made under duress. He also read from the law books that the defendant had a right to set up the bad character of the plaintiff in mitigation of the damages, but that she could reply that it had arisen from his own conduct.

MR. SHELBY FOLLOWS HIM.

Mr. Shelby began arguments shortly after noon and continued till 2 o'clock, allowing for the intermission of a half hour. He also reviewed the prayers for each side. He defined the meaning of promise, and declared that he believed the plaintiff's counsel had used it loosely for contract. A contract was a promise to do something, and the action was breach of contract in marriage. A contract implied conditions, and to prove the liability of the defendant in this case the conditions of the contract must be established. The statements to Mrs. Blackburn and to Major Moore did not constitute the contract. Miss Polard must show whether it was a contract at all. She must carry that burden through the whole of the case.

"The jury must believe in the existence of the contract." Mr. Shelby continued, "and if there was none, then there was no breach." He criticised the prayers of the defendant as assuming that a contract existed, while this was a matter for the jury to determine. He quoted several authorities, contending that the plaintiff's admitted want of virtue must be allowed in considering her veracity.

MR. WILSON CONCLUDES.

Mr. Wilson concluded the arguments, speaking briefly about the argument that the burden of proof was upon the plaintiff. He denied this strongly, saying that Colonel Breckinridge set this up merely as a bar to the agreement. Mr. Wilson believed that this was shuffling on his part.

He added that the defendant could not urge the secret marriage, as that would be taking advantage of his own wrong, and that the fact that he had entered into a contract with a lewd and lascivious woman was not any reason for breaking it. This last matter should not be left to the jury to determine, as it would

be misleading to them. They would have to draw upon their imagination and their observation, he declared, to determine it. The instructions should be tangible. He objected to any instruction that would leave this question to their determination, and asserted also that the matter of threats, made by the plaintiff, should not be included in the instructions, as affecting the verdict, unless the instructions carefully qualified them. If threats were made before the secret marriage, and Colonel Breckinridge did not repeal the contract, he maintained that they were of no consequence.

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### TWENTY-THIRD DAY OF TRIAL.

*No limit to argument.—Several days of talk in the breach of promise case.—Calderon Carlisle argues for the plaintiff.*

The last stage in the trial of the Pollard-Breckinridge suit for breach of promise was begun in the presentation of arguments to the jury. The arguments before the court, bearing on the instructions to the twelve men who are to give the verdict, were passed upon in the morning by Judge Bradley, five prayers being refused which were asked by the plaintiff, and the same number which were asked by the defendant. Others were amended. There are sixteen separate instructions.

Mr. Calderon Carlisle occupied the larger part of the day in opening for the plaintiff, and he had not concluded when the court adjourned. The arguments now promise to occupy nearly all the week, Judge Bradley having removed the time limit of five hours.

There were few persons present when the court convened, but the plaintiff was among the spectators, much to most persons' surprise. It was supposed she would not care to hear her character publicly discussed with the freedom that counsel use in such matters. Miss Pollard looked well, and she appeared to be in the best of spirits, chatting with Miss Eilis, of the House of Mercy, who sat beside her. Col. Breckinridge and all his lawyers

were prompt, including Maj. Butterworth, who delivered a speech in Cincinnati Saturday night, and left that city immediately for Washington.

The court was occupied for a part of the first hour in selecting the jurors for the April term. Judge Bradley then took up the instructions, and read those which he had decided to allow. Both the defense and the prosecution noted exceptions to those of their own which were refused. The instructions offered by the plaintiff and granted are as follows :

#### INSTRUCTIONS FOR THE PLAINTIFF.

I. The jury are instructed that this is an action for a breach of contract of marriage. If the jury find from the evidence that there were mutual promises of marriage as claimed in the declaration, that would constitute a binding contract. And the jury are further instructed that if, after such contract was made, the defendant married another person, that would be a breach of the contract, and the plaintiff would be entitled to sue. And it would be no defense to this action that he had carnally known plaintiff before or after such contract; nor would it be a defense that she had had illicit intercourse with another, if such was the fact before she had had such intercourse with him, if he knew that fact, at the time of making the contract.

II. The jury are instructed that if they believe from the evidence that the defendant made any of the alleged promises of marriage in bad faith, and not intending to keep the same, and further find that the plaintiff accepted such promise or promises in good faith, and agreed to marry the defendant, that the bad faith or intention of the defendant is no defense in this action.

III. In determining whether the plaintiff, in good faith, understood and believed the defendant to be sincere in his promises to marry her, or whether she understood and agreed that the said promises were not to be kept by the defendant, the jury are to consider the conduct of the plaintiff at the time and since, and also the conduct of the defendant at about and after the time of such promises.

IV. If the jury find from the evidence that the defendant



promised the plaintiff to marry her, and that plaintiff in good faith believed and accepted such promise, or that he acknowledged himself as engaged to marry the plaintiff, which promises were accepted by the plaintiff, then the burden is upon the defendant to establish by a preponderance of the evidence any defense to or release from any such promise, and it would not be a defense that he had had illicit relations with her before or after such promise, or that he had been informed by her prior to said promise that she had had illicit relations with another.

V. The defendant having asserted that he had had carnal knowledge of the plaintiff before the making of the alleged promise to marry, and having asserted that he knew she was not a virgin and free from sexual fault at the time of his first intercourse with her, the jury are instructed that, even if they believe from the evidence that the plaintiff was not chaste before such intercourse with the defendant, and that he knew of such previous unchastity, that such facts would not justify a verdict for the defendant if the jury believe that the contract of marriage was thereafter made.

VI. If the jury find from the evidence that the plaintiff did tell the defendant, as he states, that she had been impure with Rodes, and thereafter the defendant had illicit relations with her, as he admits, and thereafter, after the death of his wife, he promised to marry the plaintiff, and she him, the fact that she had informed him, if she did so inform him, that she had had illicit relations with the said Rodes would not affect the validity of his contract of marriage, or furnish justification for his refusal to keep said promise.

VII. The jury are instructed that the fact which defendant admits that he was secretly married without the knowledge of plaintiff on or about the 29th of April, 1893, after some of the promises alleged and before the remaining promises to marry her, the plaintiff, does not constitute a defense to this action, and is no bar or impediment to the right of the plaintiff to recover.

VIII. If the jury find from the evidence that the defendant was married on the 29th of April, 1893, and he kept and

caused to be kept that marriage a secret, and thereafter, and without disclosing the fact of that marriage, he promised to marry the plaintiff, or repeated or avowed a previously made engagement of marriage with her, such secret marriage would be no defense to this action.

IX. The jury are instructed that, if they find for the plaintiff, in estimating damages they are to consider all the facts in evidence as to the relations between the parties up to the break of the promise; the prospective pecuniary and social advantage to the plaintiff from such marriage; the injury to the plaintiff's feelings and reputation by its violation; the manner and circumstances of its violation, and the suffering of the plaintiff caused thereby and its effects upon her means of earning a livelihood in the future. And the jury are also to take into consideration the wrong submitted by the defendant, and may award exemplary damages as well.

X. If the jury find for the plaintiff, and they further find that the plaintiff was chaste and pure from sexual fault save with the defendant; and if they further believe that the defendant knew this and that the attempt to impeach the plaintiff's chastity and character was not made in good faith by him, but merely as a means of defense or to injure the plaintiff, then they may consider those facts in assessing the damages, but the jury can not award more than the amount claimed in the declaration, to-wit—\$50,000.

FOR THE DEFENDANT.

Those offered by the defendant and granted are:

I. Before the plaintiff can recover in this action, the jury must believe from all the evidence that a contract was entered into between the plaintiff and defendant by which they agreed with each other to become husband and wife.

II. If the jury find from the evidence that statements were made by the plaintiff and defendant in the presence of, or to third persons, that they were engaged to be married to each other, or that they intended to marry each other, that such statements were made pursuant to a prior understanding and

agreement between the plaintiff and defendant, for the purpose of deceiving such third persons, and were not made in good faith, such statements are not to be taken as constituting or evidencing the existence of a contract to marry.

III. The jury are instructed that the burden of proof to establish the contract sued on is upon the plaintiff, and that they should find for the defendant unless they believe from all the evidence in the case that it was mutually agreed between the plaintiff and the defendant that they were in fact to be married.

IV. Even if the jury should find from the evidence that a contract of marriage was entered into between the plaintiff and the defendant, yet, if they further find from the evidence that prior to that time the plaintiff had been guilty of lewd, unchaste, or lascivious conduct with other men, and that such fact was unknown to defendant, then the defendant was not bound by such contract, but by reason of said fact, if it had existed, he had the right to refuse to perform such contract; and he may avail himself of such defense whether, at the time of his refusal, he knew of such prior lewd, unchaste, or lascivious conduct or not.

V. If the jury shall find from the evidence that the plaintiff had been guilty of lewd or lascivious conduct with a man named or called Rodes, and that the defendant had condoned such acts with said Rodes, yet if they find from the evidence that the plaintiff had been guilty of lewd, unchaste, and lascivious conduct with some other man or men, which said conduct was unknown to the defendant, the verdict must be for the defendant even if the knowledge of such conduct did not come to the defendant until after his refusal to marry the plaintiff.

VI. If the jury find that there was a contract of marriage between plaintiff and defendant, and also fail to find that plaintiff has been relieved therefrom by any of the defenses urged, they may in mitigation of damages consider the plaintiff's character and conduct, if the same were bad; and if the plaintiff was not seduced by defendant they may also consider her admitted want of virtue for said purpose.

After making his decision, Judge Bradley said that while the burden of proof rested on the plaintiff to show that a contract to marry was entered into, as the defendant had set up the defense that the contract was not made in good faith, the burden of proof would rest upon him to show that there was an agreement that the contract was not to be carried out, and that statements made in the presence of other parties were made with this understanding by both parties.

Major Butterworth and Judge Wilson each made an appeal to the court not to set a limit of time on the argument, and Judge Bradley granted the requests, with the understanding that counsel would not take up too much time. Mr. Calderon Carlisle then began the opening argument for the plaintiff.

#### MR. CARLISLE'S ARGUMENT.

When Mr. Carlisle began his argument he spoke in an ordinary tone of voice, and was listened to intently. Phil Thompson, who was to follow him, sat near where he could catch fully the words of his opponent.

Mr. Carlisle, leaning easily against the witness-box, and without any attempt at oratory, told the jury that in his opening statement a month ago he had been exceedingly temperate, but he could now say that all his statements and more than these had been proved. He agreed with Major Butterworth that there were three parties to the suit—the plaintiff, the defendant, and the community, and he pointed out the full accounts in the newspapers of the progress of the trial as evidence that the community was deeply interested. He asked the jury to consider its duty to the community, and promised to point out later on what the community had a right to expect.

Before going into the legal aspects of the case, Mr. Carlisle reminded the jury of the distinguished career of the defendant, and the advantages at his command in preparing his defense. Mr. Carlisle said the defendant had known the father of the plaintiff, who, though a humble saddler, was yet a prominent Mason and Odd Fellow. He sketched briefly the life of the plaintiff up to the filing of the suit, a period ranging from 1876,



when her father died, until 1893, and incidental to this he paid his compliments to Mrs. Miller, alias Mollie Shinglebauer. It had been shown by reputable witnesses on the stand, Mr. Carlisle said, that during the period covered by Mollie Shinglebauer—1877-1878—the plaintiff was in Pittsburg, Pa., and not in or near Frankfort, Ky., as the Shinglebauer woman testified.

As to Brant and Kaufman, who swore they knew the plaintiff as an inmate of Lena Singleton's disreputable house in Lexington, Ky., Mr. Carlisle said it was shown by reputable witnesses that the plaintiff had not spent a single night in Lexington during the period fixed by "these two constituents of a Congressional district," as Mr. Carlisle called them, and, further than that, it had been shown that the house fixed upon by one of these young men "in the exuberance of his imagination," as the place where Madeline Pollard lived with Lena Singleton, was not built until 1886. "I asked you, gentlemen," Mr. Carlisle said, "not to believe the story of two such disreputable characters as John Brant and Hiram Kaufman."

#### HIS IMPRESSION OF ROSELL.

Then he took up the attack on the plaintiff's character contained in the testimony of Mr. Rankin Rosell, who said he broke his engagement with Miss Pollard because "he did not like the way she allowed him to caress her." "I think every one here has formed an impression of Mr. Rosell in the beginning when he testified here. I got one, and I think you got the same one." He told how Rosell had kept the tintypes of Miss Pollard and himself for all these years, and then turned them over to the defendant, and had come on to Washington to say he had sat in the open reception rooms of Wesleyan College two, three, or four times a week for an hour and a half to two hours with Miss Pollard in his lap.

He placed against the testimony of Rosell that given by Mrs. Brown, the vice-president of Wesleyan College, which was that visitors were allowed to come to the college one night a week only, and that Rosell was no exception to this rule. To more fully show the character of Rosell, reference was made to the fact that he had been forbidden to visit the college.

"Now," said Mr. Carlisle, "we get to 1884, and from that time forth there isn't even an attempt to attack the character of the plaintiff except so far as it relates to the defendant himself. I am not forgetting the slurs that he has cast out concerning this plaintiff and old man Rodes; I am not forgetting the slurs he has thrown out concerning the children she has borne; I am not forgetting the slurs concerning her presence with him at disreputable places—I am bearing them all in mind, and I shall refer to them when the time comes, but I want you to remember that there has not been a claim that she was guilty of any bad conduct with any other man than the defendant from 1884 until this suit was filed.

Mr. Aleck Julian, Miss Pollard's "blind Barnabas," was hauled over the coals by Mr. Carlisle at length.

Brief reference was made to the story of Wood, the old carpenter, who swore that the plaintiff had broken her engagement to him because he refused to take her to Europe, and Mr. Carlisle asked the jury to believe the statement of Miss Pollard with regard to the story of Wood.

#### HER ACQUAINTANCE WITH DEFENDANT.

"This brings us up to 1884, when the defendant met her," he said. "For nine years the defendant was intimately acquainted with this plaintiff, and yet with all the knowledge gained by that intimacy, and with all his influence as a member of Congress at his command, all he is able to produce are the depositions of such disreputable characters as Brant and Kaufman and Mollie Shinglebauer and Aleck Julian and Rankin Rosell and old man Wood."

The defense, said Mr. Carlisle, had taken the depositions of Orrin Brown and his sister, Mr. Robertson, the children of the president of Wesleyan College, but they spoke so well and so highly of the plaintiff that the plaintiff's counsel had read the depositions as part of their evidence.

Mr. Carlisle handed to the jury several tintypes of the plaintiff taken just before she met the defendant, where Miss Pollard is represented in short dresses and the other marks of school-girlishness.

"Look at those pictures," he said, with a ring in his voice, "and see if she appears to be the woman of experience on whom this defendant wants to place more than half the burden of their intimacy. Look at that picture and then look at the defendant, and remember what little difference there was in his appearance then from now."

Then Mr. Carlisle told of the meeting between the plaintiff and the defendant on the train in 1884. He passed over this quickly, saying both parties said it was a mere trivial conversation, the only point of difference being that she said he accosted her; he said she accosted him.

"And now, before we go further," said Mr. Carlisle, "let us see what manner of man this was who had to go through the train to get his overcoat, and who found a school-girl in his path."

The history of the Kentucky orator was sketched in complimentary language. It was told how he had a classical education and every advantage, social and mental; how he had gone to the war and had married twice. "And on this stand," he said, "this defendant has paid a tribute in his voice and in his manner to his deceased wife and the mother of his seven children.

"He confesses here on the witness stand that no man had less excuse for what he did than he had; that no words could magnify the advantages which he had; that no words could paint the depths into which he fell in this instance," Mr. Carlisle said with feeling. "And this is the manner of man who met this school-girl on that train."

#### THE ALLEGED FORGED LETTER.

The contract with Rodes was taken up and fully reviewed as a preface to the call of Colonel Breckinridge at Wesleyan College, when Miss Pollard wanted his advice and assistance concerning the threat of Rodes that he would compel her by law to marry him or pay him back the money he had paid for her education. Mr. Carlisle, in defending the plaintiff for writing to Colonel Breckinridge after she had met him but once, said that the defendant had told her that he had known her

father, and she had said she knew him by reputation. This brought up the subject of the letter produced by Colonel Breckinridge, in which Miss Pollard is represented as saying that she wanted Colonel Breckinridge to call on her at the college, and Mr. Carlisle had just quoted Miss Pollard's statement that the letter was a forgery, when recess was ordered until 1:15 o'clock.

Resuming his argument Mr. Carlisle said that the knowledge of the expert witnesses called by the defense to testify about the letter was not an exact science.

"We did not bring expert witnesses," he said, "for you gentlemen are our experts."

Handing the jury a fac-simile copy of the marriage certificate of Colonel Breckinridge and Mrs. Wing, he asked them to look at this copy which looked so much like the original and see how easy it was to produce it. "But I did not intend to take your time with this matter," he said. "Just compare the letters I hand you—the letter of July 20th—and note the points of difference between it and these other letters which Miss Pollard admits she wrote, and your opinion will be as good as a barrel of expert testimony."

Mr. Carlisle read the letter of July 20th, in which the writer tells Colonel Breckinridge that what she has to say to him is worse than a divorce case, and that she likes his face and thinks she will like him. He said there was but little difference in that letter and what the plaintiff had stated, but the plaintiff had examined the letter and pronounced it a forgery, and out of all the many letters that had been written to the defendant by the plaintiff, this and a little note written in 1887 were all that he could produce.

Speaking of the celebrated carriage ride, Mr. Carlisle said the fact that on that hot August evening the defendant brought a closed carriage to take the plaintiff to a concert hall demanded explanation, but the defendant had not attempted to explain it. He had merely contented himself with saying that he had picked out the carriage without looking at what sort of a carriage it was. Reviewing the events of that night from the statements of the plaintiff and the defendant, and what happened the next day,



Mr. Carlisle said: "And from that time on until May, 1893, she obeyed his every behest and was faithful to him in every way."

MRS. BLACKBURN'S TESTIMONY.

Finally, reaching the time of the alleged promise of marriage, Mr. Carlisle laid great stress on the testimony of Mrs. Blackburn, which, he said, the defendant had refused to deny. He had left himself two modes of escape, and either one would bring him face to face with a dilemma on one horn of which he must impale himself.

He referred to the cross-examination of two days and a half to which Miss Pollard had been subjected, and said it was one of the most difficult tests to which the human mind could be put. There were only two things that would enable a person to stand the test of such a protracted cross-examination. One was a trained mind, a wonderful ability to think, a knowledge of lawyers and their ways—in fact, all that was possessed by a clever lawyer; the other was—the truth. His client had stood that test without any of the qualifications of the first instance, and the fact that she had not been made to change her direct statements on any subject showed that she must have stood the test through the second qualification.

Concerning the claim of the plaintiff that she had given birth to a child at St. Joseph's Foundling Asylum, at Norwood, near Cincinnati, Mr. Carlisle quoted the testimony of Dr. Street, who said that she had sent "Mrs. Bergwynn" to St. Joseph's, and had visited her there, and of Dr. Belle Buchanan, who recognized Miss Pollard as "Louise Wilson," and Dr. Street said that "Louise Wilson" and "Mrs. Bergwynn" were the same. "There was nothing in the testimony," he said, "to show that anybody but this defendant was the father of [that child, and he was its father."

The future relations of the plaintiff and the defendant were reviewed from the standpoint of each, and Mr. Carlisle contended that it had been shown that the guilty relations of the pair were continuous, despite the testimony of the defendant that there had been long intervals in those relations. Then Mr. Carlisle took

up the alleged promise of marriage which Miss Pollard says was made in Washington on August 31, 1892. Colonel Breckinridge had testified that Miss Pollard was not in town at that time, but it had been proved by an entry in Mrs. Minear's boarding house ledger that Miss Pollard returned on the date named. As to the defense of Colonel Breckinridge that he and Miss Pollard had merely pretended to be engaged, Mr. Carlisle referred to the very important testimony of Claude de la Roche Francis, who told of his accidental eavesdropping in Mrs. Thomas's when Colonel Breckinridge said to Miss Pollard that he was sorry she had mentioned their engagement to the witness.

At this point Mr. Carlisle asked Judge Bradley's permission to continue his address to-morrow, and as it was then within half an hour of adjournment the Court adjourned.

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#### TWENTY-FOURTH DAY OF THE TRIAL.

*Mr. Carlisle concludes his argument.—Madeline under fire.—Colonel Phil. Thompson defends Colonel Breckinridge.—The plaintiff's character and motives impugned in plain speech by Colonel Thompson.—Colonel Thompson called down by the Court.*

Resuming his argument, Mr. Carlisle took up that portion of the defense of Colonel Breckinridge, in which he claimed that he had not been intimate with the plaintiff for long periods, while Miss Pollard testified that their relations were continuous. He said that the defendant admitted that he had met the plaintiff one night in November, 1887, in this city, after separation for a long time, and that he took a drive with her. This, said Mr. Carlisle, coincided with the testimony of Miss Pollard that the defendant had met her at the time named and took her to the house of Aunt Mary McKenzie, where in the February following she gave birth to the babe which Colonel Breckinridge denied knowledge of.

He next discussed the contradictory testimony of the plain-

tiff and the defendant about what happened when Colonel Breckinridge resided for three weeks at Miss Hoyt's house in Lexington, where Miss Pollard was a boarder, and contended that it had been shown that the guilty relations between the pair were continued there.

Finally, in his narrative, for it was more of a narrative than an argument, Mr. Carlisle came to the promises of marriage made before Mrs. Blackburn. Mr. Carlisle quoted Mrs. Blackburn's account of the first interview on Good Friday night, 1893, when, according to the witness, Colonel Breckinridge asked her to take charge of Miss Pollard as his future wife. "He has not spoken one word in contradiction of Mrs. Blackburn's statement," said Mr. Carlisle. "He tells you her testimony is true." Mr. Carlisle also referred to the letters that had been written by the parties in the case. Colonel Breckinridge swore that no letters had been exchanged between Miss Pollard and himself in 1886, and yet a typewriter testified that she had addressed envelopes to Miss Pollard for the defendant during that year, and the plaintiff had said that she received many letters from him.

Mr. Carlisle laid great stress on the little decorative basket which belonged to the late Mrs. Breckinridge. Miss Pollard testified that it had been given to her by the defendant with the remark, "Madeline, this was poor Issa's, and I want you to have it." Colonel Breckinridge denied this, and hinted that it had been stolen from his apartments by Miss Pollard. "Sometimes a little thing like this proves to be the most important item in a case," said Mr. Carlisle. "A witness has told you that it was on Miss Pollard's lap while Colonel Breckinridge was sitting by her side, and it has been shown that he saw it many times, and that fact proves that there was a degree of affectionate intimacy between the defendant and the plaintiff that presaged marriage."

#### THE MARRIAGE CONTRACT.

Rapidly reviewing the testimony about the outward appearance of an engagement, Mr. Carlisle summed up the features by saying that there was a contract of marriage between the plaintiff and the defendant was shown by the production of an invi-

tation he addressed to her to attend a reception in his honor at a young ladies' seminary; it had been further shown by his visits to 1819 H Street, where Miss Pollard was staying, by what Claude de la Roche Francis overheard between the two; and by the positive, clear, and explicit statement of Mrs. Blackburn. It was further confirmed by visits in May, 1893, to the plaintiff, and by two visits to the Chief of Police.

"The history of this form of action," said Mr. Carlisle, with emphasis, "will not prevent a more complete chain of evidence than has been presented here of a breach of contract of marriage."

Mr. Carlisle proceeded to score the defendant for hypocrisy. He had been a man of great standing in the church, said the lawyer; had been a leader in the Sunday school, and had addressed religious gatherings—and yet he came into Court and admitted that in telling Mrs. Blackburn and Major Moore of his engagement to the plaintiff he had lied, and that both he and the plaintiff had agreed to lie about the whole matter. "He came here, gentlemen," said Mr. Carlisle, "asking you to believe his unsupported word that there was no contract of marriage between them—his unsupported word against that of reputable witnesses, and of the plaintiff; he asks you to believe his word after he has confessed that he arranged and acted lies concerning that engagement."

In conclusion Mr. Carlisle said: "It has been shown that this man of power and influence and distinction, social and political, did acquire power and influence over this plaintiff; that he did have an influence over her life, and did promise to repair the injury he had done. If you think this, gentlemen, you are authorized as the Court tells you in its instructions, not only to give compensating damages, taking into consideration the previous relations of the parties, what the social advancement of such a marriage would have been to this plaintiff, but you are also authorized to give exemplary damages; you are allowed to give punitive damages, to punish the defendant as an offender against the rights of man, and in doing this there is only one limit to your action, and that is the full amount claimed



in the declaration—\$50,000. This I ask you to give, gentlemen, in the name of right and justice, reason and purity—in the name of our mothers, of our sisters, and our brothers, and if the whole amount should be given, you will have done your part to put a stigma on such conduct and to effect the only reparation that can be asked for by this injured plaintiff."

Miss Pollard was present only during the argument of Mr. Carlisle, and Mrs. Ellis, who has come to be regarded as her *vade mecum* during the trial, was also at her side. It could hardly be expected that she would care to sit under the remarks that the defendant's counsel were sure to make about her, and when Mr. Thompson began at 11:15 o'clock she departed.

#### COLONEL THOMPSON'S ARGUMENT.

When Mr. Carlisle sat down, Colonel Phil. Thompson began his opening for the defense. He was impassioned from the beginning, and spoke in a manner entirely different from the colloquial, matter-of-fact way in which Mr. Carlisle addresses the jury. Just before he began to speak Miss Pollard and Miss Ellis left the court-room.

Colonel Thompson said he did not extenuate the fault of any man who had been guilty of seducing a young girl, but he did not think that a man should be held responsible in a suit of this kind for having been intimate with a woman who was of ill repute. Speaking in his high, keen voice, with his pronounced Southern accent, he appealed to the jury to regard the plaintiff as a lewd and wanton woman, and not to encourage such to bring their suits in here and make a stench in the nostrils of decent people.

After referring to Miss Pollard as a "self-acknowledged prostitute," and saying that "every decent man knew the defendant was right in refusing to put her at the head of his table with his daughters," Colonel Thompson took up the testimony of Mollie Shinglebauer, Brant, and Kaufman, and contended that it was not shown that the plaintiff had not gone to Lexington at night during the whole of the time she was living near that town.

He next referred to the testimony of William Wood, the Lexington carpenter, who said Miss Pollard had broken her engagement to him because he would not take her to Europe, and he made this the text for these remarks: "She is a money hunter and a money getter. Talk about love and affection—why, she was shown in every feature of this case to be on a wild hunt after this defendant's money—that's what she wants. She is not after love and affection. What she wants is the money, and that's what these eminent counsel are assisting her to get—and she seems to have hypnotized somebody into giving her money to carry on this case."

After further assailing the plaintiff's character in terms of unmitigated vituperation, Colonel Thompson brought up the subject of the letter dated July 20, 1884, which the plaintiff said she did not write to Colonel Breckinridge. "If she wrote that letter," he said, "her case is gone, and she can have no credit before an intelligent jury. She says in this letter: 'What I have to tell you is worse than a divorce case.' That's self-accusation of guilt with Rodes—that's why she tried to keep out this letter—that's why she said she didn't write it. She did write it, and I'll stake this whole case on that letter."

"Here she was," said Colonel Thompson, a little later on, "robbing and deceiving old man Rodes. She admitted on the stand—'I am engaged to Rosell; I'm Colonel Breckinridge's mistress, and I'm milking Rodes for my tuition and my schooling at one and the same time.' She was deceiving right and left, and bleeding an old, hard-working, industrious man. Talk about Mollie Shinglebauer after that. Why, Mollie Shinglebauer never painted herself as black as that. Now, this woman, this adventuress, this money hunter, wanton and bawd, comes here with the plea of being an innocent girl before she met Colonel Breckinridge."

CALLED DOWN BY THE COURT.

Here Col. Thompson, working himself up to a pitch of even greater excitement than had marked his impassioned address hitherto, exclaimed: "My God, what a spectacle!"

Judge Bradley promptly interposed, saying: "Now, Mr. Thompson, you must not make such expressions as that."

"What's that?" asked Col. Thompson.

On the court repeating the irreverent remark which had just fallen from his lips, Col. Thompson apologized and promised to keep within the bounds of decorum in future.

Shortly afterward the court took a recess.

Col. Thompson started his argument at the afternoon session with the promise that he would show that there was no contract of marriage between the plaintiff and the defendant, and that even if there had been a contract the defendant had the right to break it on account of the conduct of the plaintiff. To give the case to Miss Pollard, he said, it would be necessary for the jury to convict Mollie Shinglebauer, John Brant, Hiram Kaufman, Aleck Julian, Rankin Rosell, and the defendant himself of willful and deliberate perjury.

It had been shown, he said, that Colonel Breckinridge was attending court at Versailles when Miss Pollard says she was carrying on her liaison with him in Lexington in 1884, and this proof of no improper relations at that time was also proof that the child which she alleges was born in Cincinnati in May, 1885, was not the child of the defendant. The letters to Rodes written in 1885 asking him and begging him for money, "which you know," she said, "I need so badly." "For what purpose did she need that money?" asked Colonel Thompson, turning to Mr. Carlisle. "She says the defendant was most generous, most kind, and she knew that if she needed money to prepare for the birth of his child she could have got it from him. But it was Rodes that she asked for the money. She did not turn to this noble, generous man whom she loved (Colonel Breckinridge), who would have been willing to furnish all the money she needed if he were responsible for her condition, but to poor, old Jim Rodes on his \$40 a month salary, and who would not and could not have paid if there had not been some great reason for causing him to do so. Was ever a man in the power of an unscrupulous woman ridden so roughshod as Breckinridge has been by this woman?"

The discrepancies between the testimony of the plaintiff and the Sisters of Charity at Norwood Foundling Asylum were told of by Colonel Thompson, who said he would be willing to rest this case on the testimony of these Sisters against that of the woman who said she had dedicated her life to the defendant. Unless the jury believed these noble women who had dedicated their lives to God—"Ah, that was a dedication!"—then they must place Sister Agnes Regina and Sister Augustine in the same category of perjury in which the plaintiff had placed Rosell and Julian and Brant and the rest. So, too, Sister Cecilia, who had been brought all the way from Pueblo, Col., by the defense, said she did not recognize the plaintiff as a woman who had been at Norwood. "And there is Dr. Belle Buchanan and that crowd," said Colonel Thompson, referring to the witness who said she had attended Miss Pollard after confinement in 1885. "I haven't got a very good opinion of these female doctors."

Speaking further in regard to the female doctors' evidence, Colonel Thompson said witnesses had testified that Louise Wilson, for there was such a girl, he said, asserted that the man who betrayed her was an unmarried man. "Do you admit that?" turning to Judge Wilson and Mr. Carlisle. "Do you admit that? If you do, I have nothing further to say. Will you answer me in your argument?" asked Colonel Thompson.

"I will," replied Judge Wilson.

"And this woman says she gave birth to a child in 1885, and last she goes to the place where she says it was born, and did not know whether it was dead or not when the child that had been born to 'Mrs. Burgoyne' had died soon after she left. Do you mean to tell me that a woman would be so ignorant of her child as that? She left that child, she says, and did not think to inquire about it for nine long years. And the babe born in 1888, if it was born—she says she saw its dead body at the undertaker's, and yet it was laid in a grave she had never seen. Just think of it," he said, "her little ones lying in graves that she has never seen. Oh, inhuman woman; inhuman woman and monster. To hide her own shame she lays it at the feet of this man, and says he told her to give them away. And yet we are appealed to by



this woman, with her stage acting, in the most sacred name of mother."

The Christmas card incident was pooh-poohed by Colonel Thompson, who said it was very probable that the card had been slipped in the volume of Irving at the Norwood Asylum to more fully identify the plaintiff with that place. "And when the card was taken out," he said, "she cried, 'and there's the little veil I wore when I was there.' Remarkable woman, whose memory for little things came back so suddenly—who remembered the little veil she wore, but forgot her own name at the asylum."

#### THE DICTIONARY DEFINITION.

Colonel Thompson said he had looked up the meaning of the word "pollard" in the dictionary, and he found that it meant "a small counterfeit coin," another definition was a "petty thief." "Well," he added, "I didn't know how in the world names should run so close in connection with character."

Colonel Thompson embellished his speech with numerous Kentucky anecdotes, and did not mince words or phrases in his unsparing denunciation of the plaintiff's character, "prostitute" being one of the terms most frequently applied.

After making some ironical references to Miss Pollard as this "beautiful, amiable, and gentle plaintiff," Colonel Thompson came to the testimony of Mrs. Blackburn, in which he said she had confused several conversations, a natural thing in an old lady.

"I like Mrs. Blackburn," he said. "I have known the old lady a long time. She's a lovely old character, but she's getting along in years. Joe Blackburn, my friend, was the youngest of the Blackburn brothers, and old Governor Luke (Blackburn), he's been dead many years, and this old lady is his widow. She's no longer a maiden gay. But she's got lots of spirit. I tell you I was a little bit afraid when I came to examine her that she'd jump down my throat, frizzes and all."

Then followed references to King Solomon and his many wives, King David and Uriah's wife, Antony and Cleopatra, and

the first Napoleon, and George Washington and their love affairs.

Miss Pollard had been raised, not lowered, by her affair with Colonel Breckinridge, contended Colonel Thompson. She had said she would rather be his mistress than the wife of Rodes; rather go with the plaintiff into society, where she could have intellectual enjoyment, than to be the wife of Rodes, tending children and milking cows and doing farm work. "And," said Colonel Thompson, "barring the sin, I don't blame her for feeling that way."

At 3:45 o'clock, fifteen minutes before adjournment, Colonel Thompson took up the alleged intention of Miss Pollard to compel the defendant to marry her, and as this was a new line of argument he asked an adjournment until the next day, which the Court granted.

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## TWENTY-FIFTH DAY OF THE TRIAL.

*Colonel Thompson's closing argument.—Butterworth caps his oratorical climax, and eloquently pleads for the defendant.—Miss Pollard held up as a woman unworthy of belief.—Judge Bradley orders the court room cleared.—Stirring scenes in court.*

### COLONEL THOMPSON'S CLOSING.

When Colonel Thompson resumed his argument for Colonel Breckinridge, he took up the alleged breach of promise, and asked if it were not a remarkable thing that a man who had been living in adultery with a woman for nine years, with the distinct understanding, so she said, that he would marry her if he were ever free, should tell that woman that he had something surprising to say to her, and then propose. Everything in the conduct of the plaintiff last spring, he said—her attempt on the defendant's life, her threats to disgrace him, her promise to commit suicide and leave a written story of their relations for publication—all these showed a character the reverse of that

claimed by the plaintiff. This woman had laid her plans to bring a breach of promise suit—had she not told Claude de la Roche Francis of the pretended engagement and asked him to remember it, saying she might need his help by and by? "A courtship with pistols!" cried Colonel Thompson. "Talk about your Kentucky colonels and having them come into court throwing up their coat tails to see whether they had pistols underneath them! I suspect there was one coat-tail that wasn't turned up, that had a weapon beneath it. Did you see the vicious look on that woman's face the day this case started? I was afraid, sitting there beside the Colonel, that a bullet would come straight at us from that woman's pistol. Oh, what a courtship, with its only memento, a pistol!"

Colonel Thompson concluded at 10:50 o'clock, having spoken a day, with some brief intervals.

Major Butterworth emphasized his power before a jury in the Pollard-Breckinridge suit in an argument, occupying the most of the day. He talked to the jury as though they were his brothers, and commanded their undivided attention.

He began his argument with a review of the evidence which he undertook the day before.

Major Butterworth's broad, soldierly form was clad in a black Prince Albert coat; the gray hair which covers his well-shaped head, and appears to be several years younger than his white Burnside whiskers and mustache, betrayed glimpses of baldness. He spoke in a mild voice, and his pleasant expression seemed to enlist confidence. As he proceeded, however, his words became more intense, and every expression and gesture of his face and body was engaged in the interpretation of his thoughts. The number of spectators has not been larger probably at any day of the trial.

There was an incident in the morning in which an example was made of over-enthusiastic individuals. Major Butterworth, in the course of his remarks, declared dramatically, after reciting his early friendship for Col. Breckinridge, that it never should be said that Ben Butterworth had turned his back upon a friend in

ness of adversity. Immediately there was a burst of applause, which had not before appeared during the trial. It was the signal for Judge Bradley to carry out the threat which he had made several times in the last two or three weeks to clear the courtroom. The bailiffs followed their instructions, and all those who were not members of the bar or of the press were excluded.

Major Butterworth, in the midst of a climax, was once interrupted by the court to be reminded that he was talking on topics foreign to the case.

Major Butterworth protested his honesty in presenting the case before the jury, but he declared from time to time his opinion of his client, if he had accomplished certain things charged, especially the forgery of the letter which has been so much in controversy. He maintained, however, his belief that such deeds on the part of his client, considering his station and the gain that would be had by them, would be impossible. There is a place in front of the jury where he paced up and down as he argued, and as he addressed any particular member of the jury frequently touched him, sometimes with a violent slap upon the knee, to emphasize his meaning.

Miss Pollard was not present during the day. Major Butterworth will probably occupy about half of the time to-day, and will be followed by Mr. Wilson. The court adjourned for a few minutes before the appointed hour, the speaker having reached a natural division in his argument, and stating that he was very tired. Major Butterworth received many congratulations from his friends and from members of the bar when he had concluded. After the adjournment photographs of the jury and the counsel on both sides were taken by J. N. Carbery, a member of the jury.

Major Butterworth began somewhat diffidently, but he soon warmed up to his work, characterizing the suit as a far-reaching silence that should never have been brought to trial. Major Butterworth said that he had known Colonel Breckinridge for many years--as a lawyer, friend, neighbor, colleague brother, and," he said, "you may speed it on the lightnings, gentlemen,



that the man to whom Ben Butterworth was a friend in his prosperity does not turn his back on him in his adversity."

#### VERDANCY AND INNOCENCE.

It was a most remarkable thing, said Major Butterworth, resuming, how innocent this little schoolgirl had been. They didn't raise girls like that on the Miami when he was a boy. He offered nothing in extenuation of the defendant; his friend, Mr. Wilson, could not be more severe on him than he had been on himself. But as to the plaintiff, she had said: "I was only a simple country girl, Mr. Carlisle, and what could a simple country girl know about men?" "If that be your theory," cried Maj. Butterworth, "I denounce it as a vile slander on every country girl in the world. A country girl knows the difference between right and wrong. My mother was a country girl, playing with your mother, her neighbor, my good friend (turning to Mr. Wilson), on the banks of the Miami. My sister was a country girl; so was yours. They needed no one to tell them the difference between right and wrong; they needed no watchful duenna to protect them from bad men. Don't you know that?" to Mr. Wilson

"Yes, and I'll speak of it again," said Mr. Wilson.

"But people say could country girls resist the silver tongue? I am sick of that, it has been worked threadbare."

Major Butterworth went on to tell how he had heard and read comments on the defendant's demeanor in court—"if he laughed, unfeeling wretch; if he was grave, ah, he feels his shame; if he smiled, he was trivial.

"But if the plaintiff smiled—ah, she was smiling through vale of tears—"

"Now, Major Butterworth," said Judge Bradley, "please confine yourself to the case. The matters of which you speak have been picked up through the newspapers, or rumor, or something else, and have nothing to do with the evidence. You are losing time."

Major Butterworth, after a little debate with the Court, acquiesced in the suggestion of Judge Bradley, and resumed his argument.

Major Butterworth picked Miss Pollard's character to pieces, beginning with the letters she wrote to Owen Robinson, in 1880. Even then, he said, she knew about love and marriage, and corresponded with young men—this innocent girl who says she never knew a person, did not have single friend, not even a bowing acquaintance—"this innocent little school-gyurl." He said he did not believe her stories about her age, how she did not know until she was twelve years old about the year she was born, and all that. Major Butterworth continued on this line until 12:30, when recess was ordered until 1:15.

#### THE WESSIE BROWN LETTER.

Taking up after recess the Wessie Brown letter, which he read, Major Butterworth said that that writing told of experience in love rather remarkable in an innocent little girl who knew nobody. This led Major Butterworth to inquire why it was that while other girls in America went without chaperones, Miss Pollard was never trusted to walk alone with the boys. Why was Uncle George, or Aunt Lou, or Mrs. Kean always with her? Why was it that this girl was so watched? She had been engaged to Rodes, she had been engaged to Rosell, and she confessed a love for Aleck Julian and Prof. Obermeyer. "Did she not have experience?" he asked.

Taking up the letter dated July 20, 1884, inviting Colonel Breckinridge to call on Miss Pollard at Wesleyan College, which the plaintiff pronounced a forgery, Major Butterworth criticised the counsel for the plaintiff for trying to hold up the defendant as a blackleg, a perjurer, a forger, in the face of all the evidence that she wrote the letter. Shaking his fist at Colonel Breckinridge and rushing at him with a well-simulated ferocity of countenance and manner, he almost shouted: "It's either the letter Madeline Pollard or you're guilty of forgery; you've disgraced your family, your traditions, and your boy who sits by your side, or else that woman lied."

Contrasting the claim of Miss Pollard that she was an innocent girl when she met Colonel Breckinridge with her own testimony, and the letters she had written, Major Butterworth said

that if she were all she said she was then, there was some excuse for bringing the suit. "If what she says is true," he said, with eyes turned upward and hands high above his head, "then I am in favor of Congress offering a premium to every woman for pulling down a glittering star in the political or any other firmament."

#### HER CONDUCT UNDER TEMPTATION.

With no attempt to disguise his irony, he pictured Miss Pollard as she had made herself appear at the meeting with the defendant at Wesleyan College—a poor, fluttering little creature, who tried and tried to tell this man of her trouble with Rodes, and was laughingly diverted and made to tell of herself and to listen to flatteries. Major Butterworth maintained that if Miss Pollard had been all she claimed, and if Colonel Breckinridge had made wrongful advances, he would have been repulsed in a way that would have kept him from further conduct of that sort. "There is that about the virtuous woman," he cried, "which chills every germ of lascivious approach. As for the carriage ride that night, if she were a virtuous woman, at the first approach of lasciviousness on his part she would have cried" (and Major Butterworth made a rush at the white-haired defendant and shook his fist in his face, shouting his words in tones that could have been heard a block): "'Take me back, you leper;' you wouldn't have gone twenty feet with her," he shouted, addressing the defendant. "I don't care anything about your blandishments—she would have run away from you—gone to her mother—to some body—for protection—and so would every virtuous woman repulse such lecherous advances."

Then Major Butterworth pictured the little pricking pin of conscience that we may forget in a moment of temptation, but which comes back after we have had a good night's sleep, with terrible force, and keeps us straight. Miss Pollard had said that after the defendant had attempted to take advantage of her one night and she had resisted, she went innocently to him the next day. And if she were virtuous, he asked, could she have done that without the pulling back of conscience?

In the course of his further argument Major Butterworth compared the plaintiff to Delilah, and Colonel Breckinridge to Sampson; she got him in her power and led him by a single hair, and when she had shorn him of his locks she cried, "Sampson, the Philistines are upon you," and then he pulled down the temple of his fame and accomplished his ruin. In all the years of the liaison, he said, there had not been a memento, a ring, anything given her as a mark of affection, save and except the little willow basket which had been the dead wife's. "And she comes here for no other purpose than to make his crime more horrible, saying he brought it to her with these words: "Madeline, this was Issa's; she cared for it, and I want you to have it."

"My God! Can it be that this man can be monster enough to drag in the name of his dead wife, to bring a message from her grave to this woman—his mistress? Whatever William C. P. Breckinridge may be guilty of—whatever his shortcomings—he could not be guilty of insulting the memory of that dead wife, with her grave clothes still clinging to her dead form. And this woman tells how, in that carriage ride, when he was trying to seduce her, he spoke of his dead wife (his first wife) and his dead little boy, and she hauls them like a ghoul from the grave to parade them before the world, and every decent woman cries: 'My God, that can't be so!' I do not condone the shortcomings of this gray-haired man; I do not seek to extenuate his fault, but is he the monster she has painted him? She tells us that she gave up her child after holding it in her arms two hours. Did ever woman live who would do that? Never! No woman would let her child be taken from her breast, but would pull back her child as if from the gates of hell!"

The fervor and intensity displayed by Major Butterworth at this point were felt by the jurors and spectators. The Ohio lawyer marched back and forth shouting and gesticulating and illustrating every idea by appropriate gestures. Major Butterworth contended that the description given by "Louise Wilson" (Miss Pollard) of the man who seduced her fitted old man Rodes, and that he was the father of her child. He had just reached



this point at 3:40, when he asked Judge Bradley to adjourn the Court. He was exhausted, he said, and Judge Bradley readily granted him the courtesy he had extended to Messrs. Carlisle and Thompson.

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### TWENTY-SIXTH DAY OF TRIAL.

*Butterworth closes his superb effort with a comprehensive view of the case.—An endeavor to break down sympathy for Miss Pollard.—Says it is a surrender of womanly qualities, a base betrayal of womanly courage, to say he did it.—Butterworth pleads eloquently for the silver-tongued Kentuckian.*

The last word to the jury for the defense in the Pollard-Breckinridge suit for breach of promise was spoken by Major Butterworth and the case turned over to Mr. Wilson for final argument. For almost five hours Major Butterworth pleaded with the men who are to be sovereigns in the field of facts concerned with this action, which he said were like the sands of the sea, and almost as difficult to arrange and classify.

It was expected that Mr. Wilson would begin his argument before the adjournment of the Court. Major Butterworth seems to have occupied more time than he had calculated upon, and it was a few minutes past 3 o'clock when he concluded. Mr. Wilson was loath to begin at that hour, when so little time remained for that day. He also stated that he was suffering from some hoarseness and his speech was postponed until morning.

The court room was crowded with lawyers and spectators, who sat intent under Major Butterworth's eloquence. The members of the local bar and the old friends of the speaker in Congress, who sought admission, would have been more than enough to fill the allotted space. As it was, the area outside the railing, which has been kept clear hitherto, was crowded with men two or three deep, who were willing to stand all day to witness the masterly effort.

Major Butterworth became weary before the closing of his speech, and Mr. Stoll and Colonel Breckinridge assisted him at

times during the day in reading telegrams and letters as well as excerpts from the testimony which he wished to comment upon. The argument proceeded along the same lines in which it began, offering no extenuation or condonation for the defendant, but maintaining that a verdict for the plaintiff would not be a vindication of American womanhood.

#### THE DUMMY LETTERS.

Major Butterworth began a few minutes after the court was called to order. He held up to view the character of Madeline Pollard, described from his standpoint, and dissected it. The relations of Miss Pollard with James C. Rodes were the subject to which Major Butterworth first devoted himself. He read the letters from the plaintiff to Rodes, begging and demanding money from him. Then he read the letters which Miss Pollard called wooden or dummy letters. These letters were dated from New Orleans, Jacksonville, and other places in the South, and Miss Pollard said they were written in Cincinnati during her first pregnancy, some of them at the dictation of the defendant, and sent to Rodes through her mother, at Towlesboro, Ky., to divert suspicion. Miss Pollard testified that her mother knew nothing about her trouble, and taking up this point Major Butterworth said:

"There is only one person in the world who can tell whether these letters are genuine or not; there is but one person living who can clear up this mystery. That person is the mother of Madeline Pollard, and she has not been called. Why has she not been called? People may say: 'Why don't you call her?' and I will say to that that we are not going into the camp of the enemy for our provisions or our powder either."

He laid great stress on the statement of Miss Pollard that Rodes had been told that she had a position in Cincinnati when she was sent away to prepare for her first confinement, and her second statement that Rodes thought she was a traveling companion at that time. These utterly inconsistent statements, said Major Butterworth, were the result of the attempt of Miss Pollard to square her story.

Major Butterworth dwelt on the testimony of Sister Agnes and Sister Augustine, of St. Joseph's Foundling Asylum, near Cincinnati. These sisters, he said, were emphatic in their declaration that Madeline Pollard had never been at the asylum as she claimed; and more positive that she was not "Mrs. Burgoyne." "Either these holy women are guilty of deep falsehood," cried Major Butterworth, "or Madeline Pollard never gave birth to a baby at St. Joseph's Asylum."

MR. WILSON INTERPOSES A QUERY.

A little tiff between Major Butterworth and Miss Pollard's chief counsel, Mr. Wilson, furnished diversion for the spectators. Major Butterworth taunted the plaintiff's counsel with reference to the four volumes of Washington Irving which a patient presented to the foundling asylum library, and through which Miss Pollard seeks to identify herself with the institution. Mr. Wilson interrupted to ask why the defense had not shown these volumes to Miss Hoyt and Mrs. Ketcham, of Lexington, who had seen the volumes of Irving which Miss Pollard owned, and which the latter says are identical with those taken from the asylum library. "What?" cried Major Butterworth; "show them to people, and get them to identify things they had never seen? Not much!"

There was a further exchange of words, and the spectators laughed. Judge Bradley immediately told Major Butterworth to stop, and then threatened to clear the room as he had previously done. Major Butterworth laid considerable emphasis on the frequent use of the expression in Miss Pollard's letters to Rodes, "Come early, and we will go to see mamma." "'We will go to see mamma,' when mamma wasn't there. What does it mean? I don't know—perhaps Mr. Wilson does," said Major Butterworth. But if he did not know, he conveyed a very clear impression to the minds of his hearers that he meant that the expression used so frequently was merely a code phrase for going out for some wrongful or secret purpose. He referred sarcastically to Miss Pollard as "a pawn on an immoral chessboard, moved whether the player was near it or not."

This was apropos of Miss Pollard's statement that she wanted to take her baby and go away out of the defendant's life, and the defendant would not let her. In this connection Major Butterworth told a little story. "I met an old friend the other day, and he said: 'Ben, why didn't Breckinridge break off with this woman?' I said to him: 'Do you remember about twenty years ago when a brave, stalwart man, ripe in years and experience, with a loving family about him, got a woman's hand tangled in his hair?' 'My God! I do!' he cried. 'Oh, yes,' said I, 'I remember how he sweated blood before the world.' 'But why did he get in it?' somebody asks. Oh, yes, that's all right, but that is not the question when I am to be offered up for a vicarious atonement for a crime I never committed. We know that a man who will court death, who goes bravely into the very front of battle, trembles like an aspen leaf in the presence of such a situation as this."

"This plaintiff," said Major Butterworth, "has been careful not to lose sight of the defendant during the whole period of their relations. She tells us that not for the briefest space of time were they separated. And why? Because she knows that each member of the jury will ask himself, 'Woman, did you never sit down a minute and contemplate the happy home you were likely to destroy?' and she wants to say to that 'our relations were not discontinued long enough to enable me to think such things—he would not let me go.'"

Major Butterworth said he did not seek to extenuate the fault of his client; but, he said, "the men who have framed your financial systems, the men who have made your laws, your great generals, strong as they were, have trembled and given way to this temptation to which this man was subjected. \* \* \* She knew she held this man's destiny in her hand. She could command, not demand. And yet she never contemplated a better life. She kept him there, crawling at her feet."

#### THE ALLEGED MARRIAGE PROPOSAL.

Taking up the alleged promise of marriage on August 31, 1892, Major Butterworth drew a picture of what depravity was



shown if her story were true. He had met her at the railroad station and told her he had something to tell her that evening which he was vain enough to think would please her. "And what did he do? She says he took her to a house of ill fame, to ask her with tender affection to be his wife."

"That's what makes it all the worse," said Judge Wilson.

"And that's what makes your manly manhood know it isn't true," retorted Major Butterworth, shaking both clenched fists in the opposing lawyer's face. "Before the mould had gathered on the shroud of his dead wife, he asks her tenderly, with loving kindness, to marry him. Asked her to marry him and consummate their years of debauchery by placing her at the head of his table, to preside over his pure and loving daughters, to rule his home—and she says that when he wanted to ask her that, he took her to a house of ill fame. It isn't true," said Major Butterworth.

"Madeline Pollard might have been a good woman in the eyes of the world to-day," said Major Butterworth, "if she had carried out her part of the contract with the defendant to leave Washington and die out of his life. She did go to Broad Loaf Inn, Vt., to work on the paper of Mr. Battell. But, through some mysterious power, the obstacle which prevented her from breaking that contract was removed in the death of the defendant's wife. And then she laid her plan to trap him. She decided to go to him and say, 'You shall marry me, or else I'll drag you down in disgrace before the world.'" She returned to Washington, and now she claimed that on the very day she returned, after not having seen the defendant for a long time, and when not a line had been exchanged between them, the defendant asked her to marry him, and this on the very day she returned from the North, when the sound of his dead wife's footsteps had not died away from his hearthstone. It was ridiculous," said Major Butterworth. "And then she said she wanted to go to Europe for two years, and the defendant admitted that. But at what price did she want to go?—she would not sail for Europe without going as his acknowledged fiancee."

Major Butterworth took up the calls on Mrs. Blackburn by

the defendant and the plaintiff to tell her they were engaged, merely for the purpose of setting right in Mrs. Blackburn's mind the statement of Miss Pollard that Colonel Breckinridge had promised to marry her. He took occasion to picture Miss Pollard as the adventuress, laying her plans to entrap into marriage a man whom she had in her power through their guilty relations. The plaintiff came to the defendant and said: "I've told Mrs. Blackburn that we're engaged. Now what can I do to set myself right with her?" And then the two decided to go to Mrs. Blackburn, and he, to keep this woman from being condemned, agreed to say they were to be married. They were obliged to lie to get out of it. "There was no way to light, except by plunging through the darkness," said Major Butterworth. Colonel Breckinridge had done a noble act. He had gone to Mrs. Blackburn to save a woman's honor, to keep her from being disgraced as an adventuress, and when she could not force him into marriage through that means, she had spread this terrible pestilence broadcast throughout the land. In telling of the interviews with the chief of police, and of the "pistol practice," as he called the little scenes between the defendant and the plaintiff, Major Butterworth was interrupted a number of times by Colonel Breckinridge, who set him straight in some of his statements.

## READ BY THE DEFENDANT.

Major Butterworth taunted the plaintiff's attorneys again for not calling as witnesses the persons who knew all about certain things brought forward by the defense, and denied by Miss Pollard. Major Butterworth tried to read a letter from the defendant to Miss Pollard, but gave it up, saying, "A man ought to be punished for writing so bad a hand." Then Mr. Stoll tried to read it, but he, too, failed even with the assistance of Colonel Breckinridge. A type-written copy of the letter was produced, but this, too, proved objectionable, and the matter was finally settled by Colonel Breckinridge reading the original. He also read all the other letters and telegrams produced, which were those sent by him to the plaintiff in May, June, and July of last year.

Stating that it was utterly impossible to go into all the little details of the case, Major Butterworth continued: "This case rests with you, gentlemen of the jury. The Court has authority over the law in it; you determine the facts. William C. P. Breckinridge is not here for violating a moral or any other law; that is not the question. He is here for you to determine the question: Did he promise to marry this plaintiff; and if so, did he break that promise? He has been accused of debauching a little school girl of seventeen years, and in dragging her down. You are to determine whether he is guilty of violating law in his relations with the experienced woman of twenty years, as she has been shown to be. She says she comes here to redress a great wrong. I deny it. I deny it. She could redress no great wrong by bringing suit in this way. She wanted either money as a balm for her feelings or else she wanted what does not rise to the dignity of revenge; she wanted to scatter abroad a leaven of pestilence throughout the country, sending it to every hearthstone. She deliberately turned from every pathway of opportunity; she turned her back upon every good purpose, and proclaimed to the world her shame. She has scattered pestilence throughout the land on the mere pretense of wanting reparation.

#### MAJOR BUTTERWORTH'S PERORATION.

Call her motive vengeance, call it fury, call it what you will; when a woman turns her back on the pathway of opportunity, of decency, it proves that she was not fit to be the wife of a decent man; that her early life was not what she would have us believe. I am not saying anything in extenuation of his sin. I am defending the virtue of my countrymen; I am defending the virtue of country girls, and any man that says that seduction could be accomplished under the circumstances told of by this woman knows nothing of the subject, and I denounce that individual, in the name of the country girl and the city girl, as a measureless prevaricator. \* \* \* Nobody knows through what a mire that man (Breckinridge) has been dragged; well, it's the penalty of a departure from duty. Don't think, gentlemen, that a verdict for the defendant is a ratification of his sin. We

ask not his exaltation; we ask not the exaltation of any one who has violated the commands of the Decalogue. We ask for only what is just.

"I heartily join with my brother (Mr. Carlisle) in asking you for a verdict in defense of American womanhood, but according to the standard up to which our wives and mothers must be held."

Major Butterworth concluded at 3:10 o'clock.

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### TWENTY-SEVENTH DAY OF TRIAL.

*Judge Wilson addresses the jury in behalf of plaintiff.—Rankin Rosell roundly scored.—Colonel Breckinridge fearfully excoriated.—Mr. Wilson declares that the defendant had lived a lie for ten years.—Breckinridge falsified his marriage certificate.—Madeline's reputation.—Every distorted muscle and every broken bone in her character comes from defendant.*

The closing speech of counsel in the Pollard-Breckinridge suit for breach of promise by Mr. Wilson, gave the jury an opportunity to see in a vivid verbal presentation the character of the defendant and his case from the plaintiff's point of view. The acquirements of his years of legal experience and practice before the bar were concentrated in his effort to discountenance the plea made by Major Butterworth, and to secure a favorable verdict.

His argument was compact. He avoided flights of eloquence and spoke for the most part in a conversational and explanatory manner, maintaining that the case was, after all, a simple one when it was stripped, as he termed it, of all noise and confusion. There were passages, however, when all the powers of invective and impassioned utterance were brought into play, as the character of the defendant or his witnesses were passing under his fire of speech. When he grew violent in denunciation, his tall, slender form, which is in such contrast to that of Major Butterworth, emphasized his words with active gestures. He stood the



greater portion of the day near the witness box, expounding carefully point after point, as he tried to fix it in the minds of every one of the twelve men who are soon to sit in judgment on his client and pass upon the worth of her cause.

Miss Pollard was absent, contrary to the general expectation. The crowd in the Court-room equaled that of the day before, and once the passages near the door were so banked with men, anxious to hear the last words in the case, that an order was given for them to be partly cleared.

In the afternoon Mr. Wilson's scathing words stirred up temporary strife with the opposing counsel as he proceeded to take up the glove which he said Major Butterworth had thrown down to him. It appeared for a few moments as if the spectators might have a view behind the scenes, and some insight into the tricks which the great lawyers have played upon each other in the wrestle for evidence. Mr. Wilson grew very bold, and put seemingly perplexing questions to Mr. Stoll about the taking of depositions, which he evaded, when Major Butterworth took the floor and appealed for fair play.

Mr. Wilson began his argument as soon as the Court convened at 10 o'clock.

He is a tall, spare man, with narrow shoulders, a very thin face, accentuated by a prominent Roman nose, and hardly looks the power he possesses in making an argument before a jury. Starting quietly in tones so low they could scarcely be heard, Judge Wilson gradually allowed his powerful voice full sway, hurling accusation after accusation at the white-haired Kentuckian. Major Butterworth was not present at the opening, but he came in with Desha Breckinridge just as Judge Wilson was regretting his absence that he could not ask him what he would do with the fallen woman and the man who injured her. "I suppose," said Mr. Wilson, "he would say, 'I would turn the woman out and I'd send the man to Congress.'"

#### EQUALITY BEFORE THE SOCIAL LAW.

"I stand here for womanhood," Mr. Wilson said. "This defendant proclaimed from the stand that while affairs of this kind only injured a man they destroyed a woman. I am here to

insist that social law should be equally distributed; I stand here to protest against allowing this man to enter my parlor and your parlor, while the basement door and the gate in the back alley are bolted against the woman. I condemn him! Condemn him, if I could, so that the condemnation would ring round the world."

The defense of the country girl by Major Butterworth was criticised severely by Mr. Wilson, who also took up Col. Thompson's remarkable speech, and gave to each of the historical and Biblical incidents referred to by that speaker a turn hostile to the defendant. Col. Thompson's sneer about female doctors was made the cue for a defense of the advancement of the higher education of women. Col. Thompson had told the jury that the plaintiff was a wanton woman, "but," said Judge Wilson, "call her what you will, I will show you that whatever she is, that defendant (and he pointed an accusing finger at Col. Breckinridge) is responsible for her condition. What is the argument of Col. Thompson and Major Butterworth? It is not that this seventeen-year-old girl was not seduced by this forty-seven-year old man, but that she seduced him. That's their argument. If it were not so serious it would be ludicrous. How could that defendant sit there and allow the utterance of such sentiments if he were not a craven and a coward? He says 'the woman did it.' That's his defense. It is the old story of the Garden of Eden. That's what Adam said when brought before the King of Men, 'She did it.' And, gentlemen, Adam has not been in good grace from that time to this."

Major Butterworth had told the jury nothing whatever about the case, said Mr. Wilson. When he started in to do so, he found that he was getting into muddy water, so he said, "I'll just stand on the bank and shoot off fireworks."

Mr. Wilson's remarks caused occasional laughter and some shuffles of approval, which Judge Bradley rebuked.

#### QUESTIONS OF MORAL RESPONSIBILITY.

"There is one thing which I expect to show, and if I show it I shall be satisfied," said Judge Wilson. "It is that this woman, friendless, alone, barred out of society—that this woman's

condition is traceable to the crime of that man. \* \* \* This is the simplest case in the world, and if you will get out of your heads the clamor and shouting of the defendant's counsel, you will see how simple it is." Three defenses had been made, the principal one of which was that there was an agreement between the plaintiff and the defendant to pretend that they were engaged. Mr. Wilson, in speaking of the intimacy of the defendant and plaintiff as showing that Col. Breckinridge considered Miss Pollard his equal, and therefore good enough to be his wife, said that Col. Breckinridge had taken her to the Ebbitt House to see his Kentucky friends.

Col. Breckinridge shook his head at this, and Mr. Stoll told Mr. Wilson that there was no testimony to that effect.

Mr. Wilson insisted that Claude Francis had so testified "and," added the lawyer, "when I asked the defendant about this on the stand he didn't deny it."

"But that is not so," said Col. Breckinridge in a low voice.

"I can't have these interruptions by outside parties," Judge Bradley said.

"To what do you refer, your honor?" asked Mr. Wilson.

"I mean these interjections by the defendant."

"Does your honor mean that I have no right to represent myself here?" asked Col. Breckinridge in a surprised voice.

"I mean you are represented by counsel, who will speak for you," Judge Bradley said impatiently.

"But I have a constitutional right to represent myself, too," Colonel Breckinridge replied. "If your honor so decides it, I'd like you to say so." But Judge Bradley did not answer, and Mr. Wilson continued.

#### MRS. BLACKBURN'S TESTIMONY.

Taking up the alleged promise of marriage, Mr. Wilson spoke of the intimate social relations between Col. Breckinridge and Miss Pollard, laying great stress on Mrs. Blackburn's testimony that the defendant had repeatedly told her he loved no one but Madeline—"Madeline, mind you," said Judge Wilson, "not 'Miss Pollard'"—and that he had not the slightest intention of

marrying Mrs. Wing. The promises of marriage before Major Moore were made after the defendants' secret marriage, and the defense had sprung this secret marriage upon the plaintiff's counsel, thinking that would overwhelm them. But they didn't know the law, and their defense fell to the ground. Their surprise was sprung too soon, for the omniscient pencil-pushers had found it out, and it came into the possession of the plaintiff's counsel and spoiled the game.

Impressively, Judge Wilson told of the scene in Major Moore's office when the plaintiff and the defendant clasped hands, and despite the fact that the defendant had been married thirteen or fourteen days before, he swore before high Heaven that on the last day of that month he would make her his wife.

"He should be by her side to-day," cried Mr. Wilson. "Instead of being her defamer, he ought to be her guardian and protector to-day. If that promise had been made in the State of New York, it would have been a binding contract, a marriage; and if he had made it while he was already married, it would have put him behind barred doors."

#### MADELINE'S REPUTATION.

The defense in this action was, said Mr. Wilson, quoting Major Shelby, that the plaintiff's general character was bad. The atmosphere about her was bad, they said, and this bright, cintillating, glittering, effervescing defendant couldn't afford to marry a woman like that. In that beautiful Blue Grass region, where some of the bravest, best, and noblest men and women came from, nobody in that region could say that this general character of the plaintiff had ever been found bad; and in that school where she had been intimately associated with the best and purest, she had past as being as good as any of them. Wherever a man or woman lived—in the slums or elsewhere—the one or she was judged by his or her associations, and there had been nothing to show that the associations of this plaintiff were not of the best. The defense had attempted to show that she had had wrongful relations with other men, and had turned their



calcium light into all the highways and byways of her life, from the time she was an infant until now. They had tried to prove her guilt of immorality with Rodes, but, said Mr. Wilson, "these imputations against Rodes are as valueless as the sighing of the south wind."

At 12:30 a recess until 1:15 was ordered.

At the beginning of the afternoon session Mr. Wilson apologized for a remark he had made before recess about Owen Robinson, a youthful correspondent of the plaintiff. Letters from Miss Pollard to him had been produced by the defense, and Mr. Wilson had said: "If he gave up those letters, I say he is a whelp." In apologizing for this remark, Mr. Wilson explained that Robinson's deposition showed that he was not deserving of that stigma, but regarding the letters he proceeded to say:

"There has been no hesitation whatever to use perjury to tarnish the reputation of this plaintiff, and what has been done is putrid and offensive to the nostrils of all. The accusation made by this Shinglebauer woman lies at the very bottom of this defense. They want to prove that the plaintiff was a mature woman before she met this defendant."

Mr. Wilson held up to scorn the attempt of Major Butterworth to show vicious habits through Miss Pollard's school-girl letters. "Madeline Pollard had not met James C. Rodes until the summer of 1833, and yet during the months of May, June and July of that year," said Mr. Wilson, "the defense sought to prove that she was then living in a house of prostitution in Lexington. In all the letters to James C. Rodes from the plaintiff there wasn't a suggestion of any improper relations. If there had been such relations, it would have cropped out somewhere."

Mr. Wilson, continuing, handled without sparing the witnesses the testimony of Brand and Kaufman and the other witnesses who made oath to the plaintiff having visited the house of Lena Singleton when that house, at the time spoken of, had no existence, and said he knew of nothing more worthy of reprobation than the putting before a jury every perjured statement that could be hunted up in the back alleys and slop-barrels of Lexington to blacken the character of this unfortunate girl.

He took up the testimony of Rankin Rosell, who was at one time engaged to the plaintiff, and said that Rosell had furnished a loop which the defense had tried to place around the neck of his client's character. "I wish," said Mr. Wilson, "that I might say of him, as Tom Corwin once said of a notorious character named Van Zandt, 'May God have mercy on your soul,' and stop there." He referred to Rosell's statement that he had broken his engagement with Miss Pollard because she let him fondle and caress her. "That's another lie," he said, "a black lie—a damnable lie."

Then he took up the statement of Colonel Breckinridge that on the day he called on Miss Pollard at Wesleyan College she told him she had had wrongful relations with Rodes. This Miss Pollard had denied. "Her word is as good as his," said Mr. Wilson. "Her word in this case is as good as his, and this doctrine of improbability comes here with crushing force against his defendant," he continued. "Was it probable that Rodes had also told the defendant of wrongful relations with the plaintiff? The defendant was sharp enough to say that Rodes had told him this, not as an attorney, because he knew if he said it was told him as an attorney, the Court would not have allowed him to speak of it. Oh, he's the most agile man on the witness stand that I ever saw," said Mr. Wilson. "You might fling him out of the window, but he will alight on his feet."

#### ARRAIGNING THE DEFENDANT.

Then, with dramatic manner and deep voice of accusation, Mr. Wilson made a severe arraignment of Col. Breckinridge.

"It pains me to say it, gentlemen," he said, "but I must say it—he has lived a lie. For ten years his life has been that of faithlessness to the most sacred obligation of life. He has lived a life of hypocrisy, such a life as he himself has said, 'You can't find words to coin into phrases to define the height and length and depth of my fault. I am so filled with pity for this shameless, friendless woman, that I can find it in my heart to say things that I would not otherwise have said. After he has told you he has lived a lie for ten years, I do not believe I could find a man so foolish as to believe him now. What has he not done?

He has even falsified his marriage certificate. Can you believe the story he tells with all its improbabilities, and which he asks you to believe in the same breath in which he tells you of all these deceptions of other people? How can you know that he is not practicing these things on you? It is simply impossible for you to find that Madeline Pollard told him any such story about Rodes, or that Rodes told this story about himself. \* \* \* Whatever there is of slime upon her comes from this defendant. Every distorted muscle and every broken bone in her character comes from this defendant. It is the trail of a serpent that is over her life."

He painted a picture of the plaintiff, kept out of the society of her sisters, but taken in by the House of Mercy, and he paid a high compliment to Miss Ellis, the elderly lady from the House of Mercy here, who has accompanied Miss Pollard to the court house every day.

When he had concluded on this line, it was half-past 3 o'clock and he asked Judge Bradley to adjourn. In assenting, Judge Bradley said the Court would sit Saturday, and the case would be finished then.

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### TWENTY-EIGHTH DAY OF THE TRIAL.

*Verdict for Miss Pollard.—Fifteen thousand dollars the amount of damages awarded the plaintiff.—The famous trial ends with a verdict for plaintiff.—Colonel Breckinridge gives notice of motion for a new trial.—Miss Pollard prostrated, she gives way under the strain, and is sent to Providence Hospital suffering from extreme nervousness.—Judge Wilson's closing words provoke an exciting scene between the counsel.*

The last day of the Breckinridge suit began under circumstances no different from those on other days. Madeline Pollard was not present. But Colonel Breckinridge was there, seemingly indifferent to the further arraignment he was to receive from Mr. Jere Wilson. The court-room was not crowded when Mr. Wilson rose to complete his speech shortly after 10 o'clock, b.

it soon filled up. Mr. Wilson said that he would show that there was nothing whatever in the claims of the defense. It had never been claimed that she had had illicit relations with any man, living or dead, save the defendant and James C. Rodes, and he believed he had shown the charge against the old dead farmer was untrue.

Mr. Wilson said the defendant not only denied that he had seduced the plaintiff at the house of Sarah Gess, but he admitted that he himself had been seduced before that time at the same place. This caused a titter from the spectators, and before it had died away Colonel Breckinridge half arose in his chair and said, "Now, if your honor please, that is a misstatement—I testified that I never was at the house of Sarah Gess but once."

"Oh, don't try to change it now," cried Judge Wilson. "You have finished your testimony."

"I am not testifying, please your honor, but this is not the truth, and I simply desire to make this last statement," Colonel Breckinridge said with some warmth.

"Your statement was, Mr. Breckinridge," said Judge Brady, "that you were at the house of Sarah Gess before you went here with the plaintiff."

"Yes, but that was all," Colonel Breckinridge replied.

The defendant had testified, said Mr. Wilson, that he and the plaintiff had agreed to die out of each other's lives, and they had gone around telling people they were engaged. Was that the way people died out of each other's lives? "No witness," he said, "had been summoned to support that bald-headed, miserable, stupid, idiotic pretense of the defense in this case." It may have been so that the defendant had never intended to marry the plaintiff, but it had to be a mutual agreement between the parties that there should be only a pretense of an engagement to be any defense. "Here was a girl accepting his promises before Major Moore under an agreement that there should be no marriage. Can you believe it? Unless you trample our evidence under foot he hasn't proved a thing."

Mr. Wilson agreed with Major Butterworth that the plaintiff with her talents might have gone out in the world and made



her way like that noble woman of her State, Mary Anderson. "It is all true," he said, "and the fact that it is true makes the guilt of the defendant deeper, blacker, and more criminal."

MR. STOLL TAKES EXCEPTION.

A sensational scene was narrowly averted when Mr. Wilson said that the alleged forged letter was based on the letter which Madeline Pollard had written to Wessie Brown, her schoolmate.

"The evidence in this case shows," he said, "that they got the letter from the husband of Wessie Brown, Mr. Robinson. The evidence shows that Mr. Stoll carried that Wessie Brown letter around in his pocket."

At this Mr. Stoll, his face very white, asked Judge Wilson in a calm voice: "Do you mean to insinuate, Judge Wilson, that I committed that forgery?"

"I mean to say that you had that Wessie Brown letter in your pocket, and on that letter this forgery was based," replied Mr. Wilson. "You had it in your pocket, did you not?"

"Yes, sir."

"Well, that's all I say; and I want to say this, too, to these gentlemen are not going to take me away from the discharge of my duty by their interruptions in refuting these charges against my client. That's what I mean."

"You'll hear from this later on," broke out the slow but penetrating voice of Mr. Stoll in the stillness of the big chamber. "There is another court in which that vile insinuation shall be settled."

"What do you mean," sternly asked Mr. Wilson, "by that other court?" There was defiance in his voice and manner.

"I mean," said Mr. Stoll, quietly as before, "that you insinuated that I had something to do with a forgery which I pronounce as vile and infamous."

"What do you mean by the other court; what do you mean by the other court?" persisted Judge Wilson.

Mr. Stoll shifted in his chair, but made no attempt at explanation, and just then Judge Bradley, looking somewhat astonished, stopped the embryonic quarrel.

"Now, gentlemen, enough of this," he said. "Such conduct is unseemly."

Judge Wilson bowed, and went on speaking about the letter, intending that even admitting that Madeline Pollard wrote it, there was nothing improper contained in it.

During the recess Major Butterworth and Mr. Stoll went off together. There was much bad feeling displayed on the part of these gentlemen over the incident. Major Butterworth did what he could to patch matters up, and just before the court met he had a talk with Judge Wilson, the result of which was shown when Judge Wilson arose again to address the jury.

"Gentlemen of the jury," he said, "in the heat of discussion, in the presentation of facts, a man sometimes says things which probably convey the impression that he did not intend to convey. I had no thought of insinuating that Mr. Stoll forged that letter, or was a party to that forgery. I had it in my mind to show you how easily these things could be done, and to show you how easily handwriting can be imitated."

Mr. Stoll sat quietly listening to this explanation, but he did not offer to make a reply when Mr. Wilson had finished.

The volumes of Washington Irving, which were in the asylum library, and which Miss Pollard says she presented to Sister Cecilia, were held up by Mr. Wilson as evidence that Miss Pollard had been at the asylum. He mentioned Miss Hoyt, with whom Miss Pollard boarded in Lexington, as saying that the plaintiff had a set of Irving's works, which she had taken away in 1885, and had not brought back.

#### ANOTHER TIFF BETWEEN COUNSEL.

Mr. Stoll here made some remark that was not audible. Mr. Carlisle, Judge Wilson's associate, whirled on him in an instant, demanding, "What was that?" and every one expected a renewal of the trouble of the morning. Mr. Wilson, too, made a demand to know what Mr. Stoll meant, and the latter said there was no testimony in the case like that stated by counsel. This was explained by Mr. Carlisle, who said that Miss Hoyt could not say positively that the books had not been brought back, and Mr. Wilson continued, but only to meet with another interruption

from Mr. Stoll a few minutes later, when he said that the attorneys for the defense had sought to make it appear that his brothers, Carlisle and Johnson, had slipped a Christmas card in one of the Irving volumes to more fully identify Miss Pollard with the asylum.

"Judge Wilson," said Mr. Stoll, "haven't counsel for the defense expressly disclaimed any such purpose?"

"I know you have disclaimed it," answered Judge Wilson, "but the inference was put in such a way that it would not be misunderstood, and Judge Bradley himself said when Mr. Carlisle took the stand that the inference of the defense was he had connived at wrong-doing concerning the card, and should be permitted to deny it.

Mr. Stoll made no reply to this, and Judge Wilson thereupon proceeded to take Colonel Breckinridge severely to task for various acts of deception, and he did not mince words in dealing with the matter. "He had taken this young girl out of school, and kept her near him all these years, and I claim that the obligation was a thousand times greater on his part than I should make her his wife."

Mr. Wilson, in conclusion, asked the jury to impale the defendant with the javelin of justice, and hold him aloft on it as an example to others disposed to wrong-doing, and justice would cry out "Amen."

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### CHARGE TO THE JURY.

JUDGE BRADLEY CONSTRUES THE LAW FOR THE GUIDANCE OF THE TWELVE.

Judge Wilson finished at 2:28 o'clock, and the Court immediately began his charge to the jury, reading from manuscript. Judge Bradley said:

"Gentlemen of the jury: It is a subject for great congratulation that this long and in many respects tedious case has at last reached that point where the evidence having all been given and the arguments of counsel delivered, it becomes the duty of the Court to commit the outcome to your hands. It is a matter

congratulation to the community that a case which has attracted so much general attention and notice, and which, in the details of its evidence and in its circumstances has been so extremely pernicious in its influences, and which has colored and polluted the stream of daily news for so many weeks, has run its weary length, and it is a matter of congratulation to you that, having served many days beyond the required term of service, which the law ordinarily would have demanded of you, you may now, upon the rendering of your verdict at least, be free from this labor, and be permitted to return to your daily avocations.

“Considered with reference to the legal questions involved in the trial, this case has been one of very small consequences. To the lawyer or student of jurisprudence it has presented very few points of interest. The parties concerned come here from another State, and the litigation between them being purely a personal matter, the case is one that would not ordinarily have excited any local interest. Had both the parties been obscure and unknown, it probably would not have excited sufficient interest to have provoked notice or comment even in the local press.

“Owing, however, to the fact that one of the parties is a man of national prominence, attention has been largely attracted to the case; and because, I fear, of the fact that the details of the case in many of its circumstances were of such a character as to attract the attention of the curious and vulgar, this court-house has been besieged by applicants for admission in numbers sufficient ordinarily to crowd the Court-room to its utmost capacity. This has been a source of serious inconvenience in the administration of justice, and a matter of deep and sincere regret to all those who are interested in preserving and cultivating the moral sense of this community.

#### ITS REMARKABLE FEATURES.

“The case has been remarkable not so much for its elements as for some of its incidents. In its elements it is nothing but an ordinary, plain, common, simple action for the breach of a contract of marriage; an action that is extraordinary only by reason of its infrequency, for which infrequency the public is



largely to be congratulated. It has been remarkable for the peculiarity and the number of the incidents that have attended it, due to the fact that so much notoriety has been given to it by the press of the country. The Court has been deluged with anonymous letters and with clippings from the newspapers, and has been treated to a few letters to which the authors had the decency to put their names, many if not all of which have been filled with suggestions as to the proper conduct of the trial.

“Even the jury, as I have been informed by some of them have not been exempt from the efforts of unknown parties by telegram, or by letter, or by oral remarks, to drop some suggestion as to the outcome of the case. In the early part of the trial you were advised by the Court not to discuss this case among yourselves as the trial progressed, and not to permit others to discuss it with you. This injunction, I trust and believe, has been faithfully observed. Whatever you may have inadvertently heard, or read, or seen, outside of the evidence in this case that has been delivered to you by the witnesses who have been examined in your presence, or outside of the depositions that have been read in your hearing, that have had no bearing upon or relation to this case, you should, and I know you will, discard and utterly disregard.

“While it is not my purpose to travel over the evidence in this case, or to present it to you in any form, there have been some suggestions given out during the course of the argument of such a nature that I consider it proper to refer to them. Necessarily, this case is of paramount importance to the plaintiff and the defendant, not only because of the pecuniary interest involved, and the possibility of loss to one or the other of them by reason of the verdict you may render, but because of the effect that the result may have upon the integrity of their claims. It is, however, not correct or accurate to claim that there is a third party who possesses any interest in the outcome of the cause. It has been said that there are three parties to this case—the plaintiff and defendant, and the community, or the country, or the world at large, for foreign countries have been brought within the limits of this third party.

"The community has no interest in any cause between private individuals save such interest in the public welfare as to see that justice is duly administered. With the outcome of this cause, whether that outcome be for the plaintiff or the defendant, the community, nor the country, nor humanity in general, have any concern; and it should not matter one feather's weight with you as to the direction in which you should render your verdict, what the community or the world at large may think of it. You should not concern yourselves about the vindication of American womanhood, or the vindication of the family, or the vindication of the country girl in the abstract. Your province in this cause is to vindicate the truth, and your duty is to render such a verdict as the law and the evidence require. You are to determine the rights of these parties in this controversy, and not to settle any abstract principles of morality, however important such principles may be. The question in this case, and the ultimate question for the enlightenment of which alone all of these many circumstances have been put and received in evidence, including the stories of the lives of both the plaintiff and defendant, is whether a contract of marriage was entered into between these parties; and that question you are to determine upon the evidence.

"Whatever your personal feelings or wish might be with reference to the relations that the evidence shows to have subsisted between these parties, that must be laid aside, and your verdict must be controlled entirely and exclusively by the evidence. It is not a question with you, in reaching a conclusion in this case, if you find from the evidence that a contract of marriage existed between these parties, whether the defendant, as a matter of sentiment, ought to have married the plaintiff. The question is whether you find in the evidence any legal excuse or justification for the breach of such a contract, if it exists.

"You have been told that this action has been brought and the verdict against the defendant is sought solely for the purpose of punishing him. No consideration of that kind should be permitted to in any wise affect or control the direction of your

verdict. You have been told that a verdict is sought in this case for the purpose of repairing the character of the plaintiff. Your verdict must be controlled by the evidence, no matter whose character may suffer by it. It is not your province, by your verdict, to repair the character of either party.

"This case has been prolific of details, in evidence, many of which it has been almost impossible to clothe in language that would express the facts and at the same time be clean enough for use in a court of justice. To the credit of the parties to this cause, when examined as witnesses, be it said, that throughout the trying ordeals of their examination and cross-examination these repulsive facts were, as far as possible, clothed in as clean language as the circumstances would admit; and, in many instances, when that could be done, the fact was suggested, and the bold statement was omitted. To the credit of most of the counsel in the case it should be said that they have likewise handled indecent circumstances, situations, and facts in as decorous a manner as justice to the cause and to the subject matter involved would allow. I regret, however, that every one of the counsel cannot be placed in the same category, and that the same restraint was not universal.

"Should any inordinate baseness of expression, or any characterization of mankind in general against which your manhood may have revolted, linger in your recollection, do not permit it in any wise to color your view of the evidence, or to obscure the real opinion, or to operate to the detriment of the rights of either party.

#### THE MAIN QUESTION.

"In the vast maze of facts that have been brought into this case, in traversing the lives of the plaintiff and of the defendant, not only since their first meeting, but for years prior thereto, there is danger that the mere incidentals of evidence may obscure the main question. Do not forget that the question in this case is whether the defendant entered into a contract of marriage with the plaintiff, and that their previous history and the circumstances of their lives and association are of consequence, as I have stated, only as enlightening that main ques-

ion, and possibly, also, as may be seen by an instruction that has been granted upon the subject, as bearing upon the subject of the amount of damages, if a verdict should be rendered for the plaintiff, or as indicating independent defenses on the part of the defendant, and reasons why he should be excused from complying with this contract, if one were made.

"These circumstances are of use in enabling you to put yourselves in the place of the parties to this action, and being so placed to enable you to judge them by your fellow-man, and thus to estimate the inherent probabilities of their several stories and their several claims. By their lives, by their characters as indicated by their lives, and the incidents that are detailed in evidence, you are to judge of the credit that either of the parties to this cause are entitled to, when their statements are at variance with each other, and are uncorroborated by other evidence."

Judge Bradley then gave the jury his ruling on the respective prayers of the parties.

In conclusion, Judge Bradley said:

"To sum it all up, if you fail to find that a contract was made or that the defendant was excused from the performance of it, your verdict should be for the defendant. If, however, you find that such a contract did exist, and that the defendant was not released therefrom, you are to find for the plaintiff.

The closing scenes of the trial were very impressive. Mr. Wilson closed his argument at 2:30 o'clock. Judge Bradley occupied a little more than half an hour in delivering his charge. The jury retired at seven minutes past 3.

Judge Bradley remained in his chair for a few minutes after the jury went out, and then he walked around to the attorneys' room, where he waited news from the jury. The court-room rapidly cleared. Colonel Breckinridge and his counsel started for the office of Mr. McKinney, the junior counsel, just across the street, and as he was coming down the courthouse steps an open barouche with two ladies in it drove up and he waited on the curbstone to receive them. The ladies were Colonel Breckinridge's wife and one of his daughters by his second marriage.



The three chatted for awhile, and then the ladies drove away leaving Colonel Breckinridge standing on the pavement. His face was smiling and he laughed heartily as he joined his counsel.

Judge Wilson and Mr. Carlisle, Miss Pollard's counsel waited for the verdict at Mr. Carlisle's office, opposite the courthouse, with their client, who remained remarkably cool for a woman under such a strain and of so excitable a temperament. She had been at Mr. Carlisle's office nearly all day. Miss Elliott, the motherly lady from the House of Mercy, was also there. The brother of the plaintiff, who has not appeared in connection with the case, formed another of the party.

#### RETURN OF THE JURY.

At half-past 4 the jurymen informed the bailiffs who had them in charge, that they had agreed. Judge Bradley was advised immediately, and in that mysterious manner in which new flies about a court house a hundred people knew it as quickly as the Judge and flocked into the court-room in his wake. A minute later, at 4:35, the jury filed slowly in, flanked by the bailiffs. Almost immediately behind them came Colonel Breckinridge, easy and debonnaire, as usual, with Colonel Phil. Thompson, Desha Breckinridge, and Mr. McKinney, of his counsel, who has not appeared in the case except to disclaim on the day after. Lawyer Shelby slapped Lawyer Johnson's face that he carried a gun. They sat down in their usual places and looked straight ahead. There was a quick subsidence of the noise made by the spectators in taking their seats, and while Judge Bradley waited for Miss Pollard's counsel to appear the big room was as quiet and still as a church during a funeral service.

At 4:40 Calderon Carlisle, Miss Pollard's attorney, entered hastily, looking somewhat surprised at the jurymen sitting quietly in their seats. He had hardly sat down when Clerk Hodges called the roll of the jury. Then he put the usual question:

"Gentlemen of the jury, have you agreed upon a verdict?"

Foreman Cole, the oldest man of the twelve, rose slowly and answered: "We have agreed upon a verdict and find for the plaintiff."

"In what amount of damages?" asked the clerk.

"\$15,000," was the answer.

There was not a sound in the room. Judge Bradley had taken occasion to warn the spectators just before the verdict was rendered that demonstrations of approval or disapproval from the spectators would not be tolerated, and every man there heeded the warning.

Colonel Breckinridge had sat leaning forward during the colloquy between the foreman and the clerk, and when the verdict was announced he did not change color or manifest any signs of nervousness. When Foreman Cole announced the amount of damages Colonel Breckinridge turned to Colonel Thompson and asked:

"How much?"

#### MOTION FOR A NEW TRIAL.

When the foreman had sat down, Colonel Breckinridge rose quickly to his feet and asked in his musical voice:

"If your honor please, within what time can a notice for a new trial be filed?"

"Within four days," said Judge Bradley.

"Your honor," said Mr. McKinney, who had started to address the Court when Colonel Breckinridge asked his question, "We give notice of an intention to file a motion for a new trial."

Judge Bradley bowed and then turned to the jury, thanking them for their faithful services, and discharged them for the day. The crowd filed out slowly, followed a few minutes later by the defendant and his friends. They walked across the Court-house square to Mr. McKinney's office, where Mrs. Breckinridge was in waiting, and fifteen minutes later husband and wife entered a waiting open carriage and were driven along F Street, one of the principal business streets in Washington, where department stores and shoppers were eagerly buying papers containing the verdict. The barouche stopped at a big grocery store, where Colonel Breckinridge gave some orders. Colonel Breckinridge stood in the doorway calmly surveying the crowds of passers-by, and laughed as a little newsboy pushed an "extra" in his face. He bought the paper and re-entering the carriage with his wife drove to their home.

Across the street, in Calderon Carlisle's office, Miss Pollard was holding an ovation. Mr. Carlisle had skipped nimbly out of the Court-room and gone to tell his client the verdict. She did not break down and cry, but expressed her joy in repeated exclamations with her friends. Her brother closed the door of the office to keep out the rush.

Later Miss Pollard was overcome with nervous prostration and she went to the Providence Hospital, on the corner of Second and D streets, southeast, where she refused to see visitors that evening. When a reporter from the Post called she was said to be asleep, exhausted from the excitement of the trial.

Mr. Calderon Carlisle and Mr. Wilson, her counsel, both expressed themselves as satisfied with the verdict, in that it had vindicated their client and established the principle for which they have contended. Mr. Carlisle declared that he would have liked to see the verdict for the full amount, but he had no fault to find.

Mr. Wilson received a beautiful token of American Beau and La France roses from several prominent ladies in the city as an appreciation of his efforts in the trial. Among these were Miss Mary Desha, sister-in-law of Colonel Breckinridge. The flowers were in Mr. Wilson's parlor, and he was showing them proudly to the numerous friends who called to express their congratulations.

Mr. Wilson said that he believed the verdict would meet with the public approval, and with the moral sentiment of the country. The interest in the case has been very widespread. Letters have been forwarded to the counsel from nearly every State in the Union. Mr. Wilson said that people have expressed their opinions to him in thousands. He has had information in prose, poetry, and caricature. His desk has been deluged with communications and with newspaper clippings. On a day or two ago he had received some European papers in which a half column was devoted to the trial, printed in French and German. There were a number of these communications upon his desk last evening, and they are still coming. From Oklahoma there had been sent him a caricature, such as might be posted up on trees or fences in the country. Mr. Wilson received many congratulations for his speech.

#### HOW THE VERDICT WAS REACHED.

It was said that there was a wide divergence in the matter of damages. A preliminary ballot was taken, which determined that many were in favor of damages to the amount of \$30,000 and more, and the sums ranged from this down to much smaller ones. A number of the members voted for \$25,000. Attempts were made to average the amount to be assessed by dividing the aggregate by twelve, but this proved unsatisfactory, and five more ballots were taken. These gradually developed that \$15,000 was about the sum which would satisfy the majority, and it was finally agreed upon.











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