

#13

THE MURDER OF

JAMES FISK, Jr.,

WITH THE TRIAL OF

EDWARD S. STOKES.

ALSO, SKETCHES OF FISK, STOKES, AND HELEN JOSEPHINE
MANSFIELD, AND VARIOUS INCIDENTS IN THE
LIVES OF NEW YORK CELEBRITIES.

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I.

THE HOMICIDE.

"God save me!"

The words rang piteously, as the sharp crack of a pistol shot, twice repeated, alarmed the crowd of loungers hovering around the corridors of New York's latest, largest hotel. Instantaneously, as the comparative quiet of that immense bee-hive of wealth and of fashion was broken, as by the descent of a thunderbolt, astonishment and amazement seized upon the souls of those sparse spectators, witnessing the fall of a conspicuous man and coming to realize the full extent of the calamity thrust upon them.

A murder had been committed!

It was a few minutes before four o'clock, on the afternoon of Saturday, January 6th, 1872, that Edward S. Stokes discharged those pistol shots which eventually terminated the mortal career of one who had formerly been his friend, but through the impulse of jealousy converted into his bitterest enemy. Between them had been waged a war of virulent litigation, one scene of which had occurred upon the forenoon of the very day upon which the victim met his death.

At the close of a protracted examination in one branch of the numerous law suits, which had embroiled the relations previously existing between Stokes and Col. James Fisk, Jr., occurring on the forenoon of this fatal Saturday, both Stokes and Mrs. Mansfield (Fisk's former mistress), who, as is alleged, had transferred her affections to his more juvenile rival, were examined as witnesses. Whether at Fisk's suggestion, or from a mistaken notion as to his imperative line of duty, the counsel for the Colonel, appearing in court to answer a charge of libel, conducted the cross-examination of the fair complainant and her confidential witness with a degree of malice, doubtlessly aggravating to the feelings of both the lady and her friend and presumptive protector.

During his searching cross-examination of Stokes, by a strange coincidence, it happened that Stokes was interrogated as to whether he had ever threatened Fisk in any way. He seemed somewhat embarrassed by the question, but finally said that he had never threatened him otherwise than with legal proceedings. During all the time he was in the court-room Stokes was entirely self-possessed, with this one exception, and did not in any way betray the deadly purpose which he executed two hours after leaving the court-room with Mrs. Mansfield. His whereabouts during those two hours are the subject of rumor, with the exception that he is known to have been at Delmonico's. The next that was seen of him so far as is known, was at a few minutes before 4 o'clock, when he was walking carelessly up and down the main corridor of the Grand Central Hotel, on the parlor floor. This corridor is one story above the street, is parallel with Broadway, and at its northern end is reached by the ladies' staircase from the street. Passing and repassing the head of this staircase, Stokes glanced furtively down the stairs each time. His actions at the moment attracted little attention, as there was nothing striking or unnatural about them. Dressed with great elegance in clothing of a light color, a tall, well-formed, well-featured, imperturbable man, there was nothing in his appearance not in keeping with the place or to excite suspicion in a casual observer.

While Stokes thus loitered, watched and waited, at 4 o'clock Col. James Fisk, Jr., drove up in a carriage to the ladies' door. Stepping out of his carriage and walking briskly across the pavement, he passed through the outer door of the hotel. When he had done so, he spoke to John T. Redmond, the porter on duty at the door, asking him if Mrs. Moss was in. Redmond replied that she was not, but that he believed her daughter was in her mother's room. Fisk then said, "Tell her I am here," but he started up the stairs before the porter. Up seven steps from the street there is a

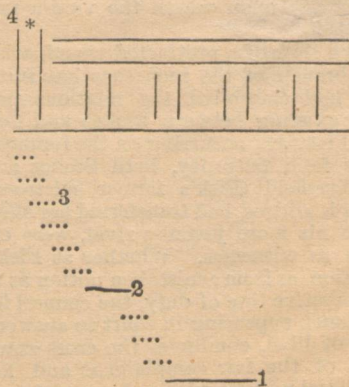
small landing. Reaching this, Fisk happened to glance upward, and there saw the imperturbable, well-dressed man, whom he instantly recognized as Edward S. Stokes, standing at the head of the stairs. This man had his right arm resting on the standard at the head of the stairs, and Fisk noticed that there was something in the right hand. Before the victim could see that this something was a pistol, without a word having been uttered by either of the men, Stokes, seeming to take deliberate aim, fired. Fisk fell upon the landing, uttering the simple exclamation, "Oh!" but immediately got upon his feet again; and as he did so, Stokes fired again. The first shot had taken effect in his abdomen; the second crushed through the fleshy part of the left arm, above the elbow. Then he staggered, turned, as if to take refuge in flight, and, partly sliding, reached the bottom of the stairs, where he fell.

After firing the second shot, Stokes paused for an instant, as if to look upon his work; then turned and walked leisurely away. Reaching the door of the ladies' parlor, a few paces distant from the head of the stairs, he stepped inside, and threw his still smoking and blackened Derringer pistol upon the sofa. He instantly stepped back into the corridor, and, walking more hurriedly, passed to and down the grand stairway, which leads up from the main hall and office of the hotel. Just as he gained the hall and was opposite the office, headed to the rear entrance, as if seeking to escape into Mercer street, the alarm was raised that a man had been shot up-stairs. Hearing this, Stokes started upon a run, and Mr. Powers, the proprietor of the hotel, who was behind the desk of the office, cried out, "Stop that man!" Just as he had reached the entrance to the barber-shop of the house, and when he was only a few steps distant from the door opening into Mercer street, Stokes slipped and fell. Before he could regain his feet he was seized by some of the men attached to the hotel, who were in pursuit of him, and was led back to the porter's bench at the foot of the grand stairway, where he was compelled to sit down, and where he was carefully guarded by his captors until the arrival of the police.

All this had occupied but a moment of time, and meantime the wounded man had again staggered to his feet at the bottom of the stairs, and assisted by Redmond and others had managed to ascend the stairs, and was taken into room No. 213, just at the head of the stairs, and was laid upon a bed. Covered with the blood which gushed from his shattered arm, the

attendants, who knew only of this comparatively trivial hurt, but were startled by the sight of blood, rushed off for assistance. In a moment the room was crowded, but among the first comers were Drs. Fisher and Trifler, both of whom live in the hotel. They immediately cleared the room and proceeded to examine the wounded man. Col. Fisk was entirely calm and rational, did not complain of pain, and gave a concise but perfectly clear account of how the wounds had been received. The injury to the arm was found to be merely a flesh wound, but the first shot had taken a more deadly course. They saw its orifice five inches above the umbilicus and two inches to the right of the median line. From its appearance, they were of opinion that it was mortal. Prof. James R. Wood and Dr. James White were sent for and arrived in a few minutes. As soon as they reached the room Dr. Wood proceeded to probe the wound. The bullet was found to have taken a course inward, downward and to the left, penetrating the walls of the abdomen. Although the wound was probed to the depth of five inches, the bullet was not found, and its location was not determined. The physicians all agreed that the abdominal wound was of a most serious character, and that the condition of Col. Fisk was most critical. Its result would, however, be a question of some hours, and as after a time the sufferer seemed to rally greatly, hopes were entertained that he might ultimately recover.

The following lateral diagram will give the reader an idea of the scene of the murder:



1. Ladies' entrance.
2. The first landing or platform.
3. Position of Col. Fisk when murdered.
4. Post on which the assassin rested his pistol, and behind which he stood.

II.

ORIGIN OF THE FISK-STOKES TROUBLES.

THE origin of the difficulty dates back nearly two years. Col. Fisk and Stokes were interested in an oil company which furnished all the oil that was used by the Erie Railway Company. Fisk and Stokes became intimate friends. Stokes seemed a smart, energetic young man, and grew rapidly in Fisk's favor. The profits of the oil business were very great. Stokes became a frequent visitor at Col. Fisk's rooms in the Grand Opera House. They were continually together. So intimate were they that Stokes repeatedly dined with Col. Fisk at the house of Mrs. Mansfield-Lawlor. Mrs. Lawlor was Col. Fisk's mistress. The Colonel became acquainted with her accidentally when she was in want, clothed her in silks and satins, sprinkled her with diamonds and other gems, gave her a rich mansion with a brown stone front, furnished it sumptuously, and placed carriages and servants at her disposal. So infatuated did he become that he repeatedly appeared in public with her, despite the earnest protestations of his friends. He laughed at the newspaper exposures of his shame, and was finally debarred from fashionable society. Col. Fisk's friends were deeply grieved, but they remained true to him; for whatever may have been his faults, he always stood to his friends to the last. They repeatedly endeavored to extricate him from the toils of Circe, but in vain. His genial nature, rollicking humor, open-handed generosity, and energetic business qualities endeared him to all who were intimate with him, and they finally resolved to endure what they could not cure—the Colonel's open attachment to Mrs. Mansfield.

THE RUPTURE.

It was at this time that Col. Fisk became intimate with Stokes, and invited him to dine at Mrs. Mansfield's house. Stokes is about five feet nine inches in height. His body is well knit. His head is covered with glossy curls. His complexion is clear, his features regular, and his eyes dark blue. His forehead is white, but not high. He dresses in the height of fashion, with a tendency to guadiness, and generally wears large diamonds. He is a fluent talker, and is very quick of motion. He speaks rapidly, and uses many gestures. Col. Fisk seems to have confided entirely to Stokes' sense of honor and to Mrs. Mansfield's sense of gratitude. Apparently he had not the least notion

that Stokes would endeavor to supplant him in her affections. Stokes however appeared to have fallen in love with Mrs. Mansfield at first sight. His attachment was apparently reciprocated, and the readiness with which Mrs. Mansfield transferred her affections from Col. Fisk to his assassin gives an air of strong probability to the rumor that she had deliberately trapped Col. Fisk for his money. The attachment between Stokes and Mrs. Mansfield was not discovered by Col. Fisk until weeks had elapsed. Meanwhile the Colonel was paying for the very dinners at Mrs. Mansfield's house to which he had invited his friend Stokes. Though warned by his friends of what was occurring, he refused to believe it, and it was not until he had assured himself from conversations with Mrs. Mansfield that the reports were true, that his eyes were opened.

THE FIRST MOVE.

The Colonel moved with his usual energy. He forbade Stokes' visits to the house. He reasoned with Stokes, but to no purpose. His protestations had no effect on Mrs. Mansfield. The next movement was a startling one. Stokes was arrested one Saturday night on a charge of embezzling the oil company's funds. He was kept in prison until Monday. When released on bail he retaliated, and Fisk was arrested on an accusation of conspiracy and false imprisonment. The fight was a bitter one. It benefitted no one but the lawyers. Fisk then rescinded the verbal contracts by which the oil company supplied Erie with oil. Of course, this forced the stock of the oil company down, and Fisk, it is understood, bought in Stokes' interest for \$100,000. Fisk and Stokes also had a meeting at Delmonico's, and endeavored to settle their difficulty, but in vain.

THE SECOND MOVE.

Mrs. Mansfield now joined her energies to those of Stokes. She claimed that Fisk owed her some \$40,000, and in proof of this claim put in copies of a batch of love-letters written to her by Col. Fisk, which were said to expose all the secret operations of the Erie and the Tammany Rings. Fisk secured an injunction from Judge Pratt forbidding the publication of the letters, as they were ruled to be scandalous and irrelevant.

During the pending of certain suits between Mr. Stokes and Col. Fisk, Mrs. Mansfield gave the original letters to Stokes, who immediately made use of them. He held them over Fisk's head and threatened their publication. Fisk acted like a diplo-

mat. He submitted a proposition to Mr. Stokes for arbitration. Stokes, against the advice of his counsel, accepted Mr. Clarence Seward, one of Fisk's counsel, as an arbitrator. The letters were placed in Mr. Peter B. Sweeney's hands for safe keeping. Mr. Seward found against Stokes on all points but one, awarding him \$10,000 as the price of the letters. Stokes complained that he had been swindled. Nevertheless he accepted the \$10,000 and never paid it back. One of the main points of Col. Fisk's request for an injunction against the publication of the letters was that they had been made the basis of new affidavits in Mansfield's complaint, after Stokes had received the \$10,000, and agreed that the letters should be suppressed. At the expiration of the time for which Judge Pratt's injunction had been granted, Col. Fisk's counsel made a motion before Judge John R. Brady for a continuance of the injunction.

THE THIRD MOVE.

In an attempt to show that Stokes and Mrs. Mansfield were endeavoring to blackmail him, Col. Fisk used an affidavit of Richard E. King, a colored boy in Mrs. Mansfield's service. The affidavit purported to detail a conversation overheard between Stokes and Mrs. Mansfield relative to Fisk's letters which Mrs. Mansfield had placed in Stokes' possession. The conversation, if true, proved that there was a deliberate attempt to blackmail the Colonel out of all the money possible. Stokes' next move was to prefer a charge against Fisk in a police court for subornation of perjury, in inducing King to swear to his affidavit. This is the case which had dragged along its weary length in Justice Bixby's Court during several weeks.

III.

THAT FATAL EXAMINATION.

THE examination in the case of Helen Josephine Mansfield *vs.* James Fisk, Jr., on a charge of libel, was resumed on Saturday morning, January 6th, 1872, before Justice Bixby, in the Yorkville Police Court. Mrs. Mansfield accompanied by Mrs. Williams was early in attendance, but Fisk did not put in an appearance during the entire day. Shortly after 10 o'clock, Justice Bixby took his seat on the bench.

The prosecution was conducted by Assistant District-Attorney Fellows and Mr. McKeon, and Messrs. Beach, Spencer, and Morgan represented the defendant.

Mrs. Mansfield's cross-examination was resumed. She testified that she commenced the present proceedings about the time Col. Fisk commenced to persecute her; the persecution consisted of buying off her servants from her employ, and using them as instruments to annoy and worry her; it was commenced about the time King was withdrawn from her service, and seduced into that of Fisk; had no personal knowledge of the fact, and made the affidavit on information and belief; the letter written to Mr. Peter B. Sweeney, was addressed by her counsel, Mr. Courtney, with her signature; saw a stenographer taking notes in her house on one occasion, but could not tell if he was there more frequently.

Mr. McKeon objected to this line of cross-examination, and it was excluded.

Q. Are you acquainted with Miss Annie Wood? A. Yes; I formed her acquaintance about six years ago in Washington; I never saw her at the house of a person named Bella Lane in No. 19 Brevoort place; I have been in that address, but did not see her there; I only saw her once in New York.

Q. Did you have a conversation with her in relation to Mr. Fisk? A. No.

Q. Did you there ask Mrs. Wood to introduce you to Mr. Fisk, after she had given you a description of him and of his character? A. Never; I met him accidentally at her house.

Q. Do you recollect on that occasion as that in No. 19 Brevoort place, pointing to your dress, and saying in substance that was the best you had in the world, and you had not money enough to pay your week's rent? A. I don't remember anything of the kind.

Q. Did you say to her that you wanted to know him, as you had no way of earning your living? A. Never; I did not ask Mrs. Wood to introduce me to Fisk; she did not make an appointment with me at her house in Thirty-fourth street for the next day for the purpose of introducing me.

Q. Did she tell you that Fisk and Geo. Butler, the gentleman who is now, I believe, Minister to Egypt, were coming there? A. No; I have no recollection of anything of the kind; I never said to Miss Wood, before or after my introduction to Fisk, that I was poor and needy, because I was not in such a condition; I did not meet Miss Wood at the house of Miss Bishop on Lexington avenue, where I was boarding.

Q. Did you tell Miss Wood at Miss Bishop's house that Mr. Fisk had taken a fancy

to you, but that he had not done much for you yet? A. I never told her so; I did not meet her at the Americus Club, or the Americus Club-house, where I had furnished rooms.

Q. Either at the Americus Club-house or the Americus Club did you show Miss Wood some costly diamonds and elegant dresses, which you said were given you by Fisk? A. No.

Mr. McKeon interposed an objection. These memoranda, he said, were supplied by a person with a wicked heart, and were designed to insult the witness.

Mr. Beach. I am not able to judge of the character and heart of the gentleman who furnished me with these questions, but I may be permitted to say they don't come from Mr. Fisk.

Mr. McKeon. I suppose they come from some one who is ready to do his dirty work. The question was excluded.

Q. Did you say "There, Annie, look at these compared with my stock when I got acquainted with Fisk; then I had nothing in the world but that black and white silk dress, and no money in my purse and owing some rent?" Objected to and excluded.

Q. Did Miss Wood reply to that "You have been with him long enough to have got more than that if you were smart;" and did you answer that you did not mean to beat him too fast? Objected to and excluded.

Q. Did Miss Wood ask you upon that occasion if you esteemed or loved Mr. Fisk, and did you reply to it: "No, I don't love him, only his money; he is not the style of man I like; I will get all the money I can out of him and then he may go?" Objected to and excluded.

Mr. McKeon said this was all intended for a newspaper sensation, and had no connection with the alleged libel.

Witness. I have never shown a disposition to blackmail him.

Q. Do you know Nelly Peris? A. Yes, I did; I sent for her to my house in Twenty-third street; she might have been there when Mr. Stokes was present.

Q. Do you recollect that you three were talking upon any occasion when you had a conversation in regard to making money out of Fisk? A. Never; I did not say in words or substance that I intended to blackmail him, and that if she assisted, she should have her share; in regard to the letters written to me by Mr. Fisk, I did not give them to Mr. Stokes to keep; my correction in this matter was not made in the argument before Judge Brady.

Marietta Williams testified: I reside in

No. 359 West Twenty-third street with my cousin, Miss Mansfield; there was a colored boy in her service, named King, as waiter.

[Mr. McKeon here read King's affidavit on which the libel was based.]

Q. Was there any such conversation or conversations took place in your hearing? A. Never; and none of the parties therein named had any such conversations.

Cross-examined by Mr. Beach: I was married on the 3d of March, 1864, in Boston; for the last two years, I have resided with Mrs. Mansfield; I have met Mr. Stokes at the house, but I cannot exactly remember when I first met him there; as near as I can recollect, it was about two years ago; he comes to the house once in a while, and is not a frequent visitor; he came there perhaps three or four times a week for about a year and a half; he took dinner there once in a while, but I cannot remember how often; it might be three or four times in the month, but not oftener to my remembrance; I sat at the table with them uniformly when he was there; I do not remember any one else being with us; we were waited upon by the colored boy, King; he entered the employment of Miss Mansfield in October, 1869, and since then he generally attended at meals.

Q. You said to Mr. McKeon that no part of the conversations alluded to in the affidavit of King took place? A. Yes, sir; there was never any conversation between the three of us in regard to obtaining money from Fisk; at meals I don't remember any allusion being made to Fisk, or to the difficulties which existed between himself and Miss Mansfield or Mr. Stokes; they were never alluded to in my presence; I understand the comprehensiveness of the question; my cousin was never in the habit of talking on such matters before strangers.

Edward S. Stokes testified: I reside at the Hoffman House, and am acquainted with Miss Mansfield and Miss Williams; I knew Richard E. King who was in the employment of Miss Mansfield.

[Mr. McKeon read King's affidavit to the witness].

Q. Did any conversation alluded to here take place? A. Never in any shape or form; the statement is wholly untrue in every particular.

Cross-examined by Mr. Beach: I am thirty years of age, and have resided at the Hoffman House since last July; I am married and have a family; I first formed the acquaintance of Miss Mansfield in Philadelphia some three years ago; I was there on business and met her accidentally; I had a friend with me at the time, but I had

rather not answer his name; I first visited Miss Mansfield at her house in this city when Mr. Fisk took me there to dine; I don't remember the date, but I think it was about two years ago; she then resided in the house she now occupies; I have called on her, but how frequently I cannot say; I cannot form a correct idea how often I visited her in the last six months, probably eight or ten times a month; it may be more or less, but to the best of my judgment that is about the average; I had no stated times for calling on her, and had not been in the habit of doing so; I might have, sometimes, called upon her three or four times a week, but other weeks I did not see her at all; I cannot locate a single week when I did not see her; I have gone in there and dined, but that is the only meal I have taken there; I did not go to dinner by appointments, but I very well knew the dinner hour.

Q. Have you threatened unless Fisk settled that you would pursue and crush him? A. I have threatened to pursue him in law suits.

Q. Have you not threatened to pursue and crush him? A. In a legal way I have said so, but not in a physical manner.

Q. Have you threatened to make publications in the newspapers against him again and again? A. Yes; to expose this case and the manner in which he has swindled me.

Q. Have you not made propositions to settle with him? A. I have made some propositions in the way of arbitration, but not in any other form to my knowledge; I said I would take the papers to the Legislature and lay them before it in order to injure him.

Q. When you first visited the house of Miss Mansfield, was Mr. Fisk an *habitué* of that house? A. Oh! Mr. Fisk lived there, and Miss Mansfield lived there at the same time; he remained there a year after I commenced to visit her; I do not exactly remember when he was displaced by her; I had nothing to do with it; I took no hand in the direction of the affairs of the house; I did not discharge the coachman, Steers, but wrote him a note of dismissal for Miss Mansfield; I did not pay her domestics' or other household expenses, but once sent the coachman money at her request.

Q. Have you been in the habit of sleeping in that house? A. Probably not more than three or four times in two years; I have frequently staid there until ten o'clock in the evening; I hardly ever was in the room alone with Miss Mansfield; Miss Williams was generally there.

Q. I understand you to say that you

never stayed with Miss Mansfield alone in the room? A. No, Sir.

Q. And you understand the full force of this declaration? A. Yes; I have no recollection of staying with her alone in the room late in the evening.

Q. I want you to make the declaration understandingly; I ask you if you have repeatedly and often spent the late hours of the evening with Miss Mansfield alone in the room? A. No, positively; when I remained as late as ten o'clock Miss Williams was generally with me.

Q. I understand you to say that your acquaintance with Miss Mansfield was simply the ordinary acquaintance of a gentleman and lady? A. Yes, Sir.

Q. And there was not more familiarity at that house and between you and Miss Mansfield than would be proper and becoming between a married head of a family and Miss Mansfield? A. There was nothing improper between her and me; I say so without any mental evasion.

Q. Is that question answered in reference to any peculiar ideas you entertain with reference to propriety and impropriety? A. Yes, Sir; I had conversations with Miss Mansfield in reference to the troubles with Fisk, but I did not mention them at table; I have given the subject all my consideration within the past six months, but I did not allude to it when visiting; I don't recollect having spoken of the amount of money that should be given by Fisk to have the case compromised; I furnished the money for the equipments of the stable.

Denis Garrison testified to the identity of a paper in the suit of Fisk *vs.* Stokes and Mansfield, filed in the office of the Clerk of the County, of which he is an employee, on the 5th of January; there were several other papers filed with it.

Mr. Beach asked for their production to show on what association it had been found.

Mr. Stokes was recalled, and said that the paper in question was an affidavit read by counsel before Judge Brady in an argument on Friday; other papers in his interest were read.

The investigation was adjourned to 10 o'clock on Saturday, January 13th.

IV.

THE LAST FEATHER.

AFTER the adjournment of the court Stokes entered a carriage with Col. John



EDWARD S. STOKES.



CARRYING FISK FROM THE STAIRCASE TO HIS ROOM.

R. Fellows and the Hon. John McKeon, the prosecuting attorneys in the case. On his way down he asked whether it was possible that there was no way left for him to get the better of Fisk. He drove to Delmonico's and there the party separated.

Meanwhile the District Attorney had brought the attempt to blackmail Col. Fisk to the attention of the Grand Jury. On Saturday, it is said, the Grand Jury brought in an indictment against both Stokes and Mrs. Mansfield. It was reported during the afternoon that a bench warrant was out for the arrest of Stokes and Mansfield, and sent to the Sheriff's office for service.

After leaving Delmonico's, Stokes appears to have gone to Mrs. Mansfield's house, though Mrs. Mansfield denies this. They are believed to have conversed together over an hour. Then a ring was heard at the door.

One of Stokes' friends entered and announced that the Grand Jury had found an indictment, that a warrant was in the hands of Deputy Sheriff Judson Jarvis, and that Jarvis was then on his way to serve it. A warrant may have been in existence, but it was certainly not placed in Jarvis' hands. We are informed that on hearing this news Stokes lost all control over himself and declared that Fisk had signed his death warrant, or used words of similar import. He was in a raving passion, and left the house determined to murder Col. Fisk at the first opportunity. It is reported that before Stokes reached Mrs. Mansfield's Col. Fisk had called upon her and expressed his regret at the severity of her cross examination, and that he had agreed to give \$15,000 in settlement of the dispute. If this was so, it is possible that Col. Fisk may have told Mrs. Mansfield that he was about to call upon Mrs. Moss at the Grand Central Hotel.

At 4 o'clock, Col. Fisk, who had been entertaining a number of friends in his office, and who was in unusually good spirits, asked one of his clerks whether there were any loose checks for him to sign. It was his practice to pay some of his employees on Saturday. As he signed the checks he said he ought to be off, but he knew that the men wanted their money and they should have it. He then entered his carriage and drove to the ladies' entrance of the Grand Central Hotel.

Mr. Stokes' movements, after he left the court at Fifty-seventh street, were detailed to a very different effect by Mr. John R. Fellows, at the Grand Central Hotel, to a large number of attentive listeners. Mr. Fellows' statement was to the following

effect:—Mr. Stokes entered a carriage at the Court room with myself and Mr. McKeon, at the conclusion of the Fisk-Mansfield case, and drove down town. Upon reaching Chambers street we all alighted at Delmonico's and partook of some oysters. Mr. Stokes at this time displayed no unusual excitement. He was always excited when speaking of Mr. Fisk, but at this time no more so than usual. Bidding Mr. Stokes good-by, I repaired to my office and soon after departed up town. On my way I stopped into Niblo's and was here shocked by the intelligence that Mr. Fisk had been shot by Mr. Stokes and dangerously wounded. Repairing to the Grand Central Hotel I found the intelligence too true. It was but a short time after I left Mr. Stokes at Chambers street that I heard of the occurrence, and it seemed almost impossible that Stokes could have gone so far up town so soon.

V.

AFTER THE SHOOTING.

WHILE proceedings were taking place at the Hotel to ascertain the full extent of the prisoner's crime, Stokes was handed over to the police, and, followed by an immense crowd, had been taken to the Fifteenth Precinct Station-house, a few rods away in Mercer street, in charge of Capt. Byrnes. On arriving at the house he was arraigned before the desk. Capt. Byrnes, stepping to his place behind it, said: "I am going to ask you some questions, and you can answer them or not, as you please." Stokes answered instantly, firmly, and in a natural voice: "I must tell you at once that I will answer nothing." Capt. Byrnes said: "Will you give me your name?" To which Stokes said: "Certainly; my name is Edward S. Stokes. I will give you that, but nothing more." He was then, by order of Capt. Byrnes, taken back and locked up in an ordinary cell, where he was soon afterward visited by his counsel, Hon. John McKeon.

As soon as Stokes was secured at the Police Station, Capt. Byrnes, having been informed by the attending Surgeons that Mr. Fisk was in a dying condition, at once dispatched an officer to summon Coroner Young to attend for the purpose of taking the ante-mortem statement of the wounded Colonel. Coroner Young was soon in attendance, and after being closeted for some time with Capt. Byrnes in his private office, proceeded to the hotel, and, ac-

accompanied by Capt. Byrnes, was shown into the room where Fisk was lying. Dr. E. T. T. Marsh, Deputy Coroner, was also soon in attendance. A jury, consisting of Isaac W. England, of No. 141 East Thirtieth street; Charles F. Moore, of No. 143 West Twentieth street; William O. Chapin, of No. 273 Eighth avenue; John L. Hall, of No. 178 Jay street, Brooklyn; Edward C. Moss, of Grand Central Hotel, and Dr. E. T. T. Marsh, of No. 41 West Ninth street, was impaneled in due form, and the solemn act of obtaining the deposition of a man suddenly stricken down by the hands of an assassin, and brought to the verge of the grave, was then proceeded with. At this time there were gathered at the bedside of the dying man the jury mentioned above, while in the outer room could be discerned "Boss" Tweed, Jay Gould, and other Erie magnates in close consultation. At the bedside stood Prof. James R. Wood and Dr. Fisher, closely examining the features of their patient, while at the foot of the bed loomed up the tall and sombre figure of David Dudley Field, the eminent counsel retained by Fisk in the Erie suits. Seated at a table, which had been drawn up near to the bed, were Coroner Young and Dr. Marsh. The patient was lying on the bed extended on his back; his left arm, through the fleshy part of which a bullet had passed, was lying outside the covers and propped up on a pillow.

All the preparations being in readiness, Coroner Young arose and asked Mr. Fisk if he was ready to make his statement. The patient answered in the affirmative. Coroner Young then proceeded with the usual questions as follows:

Q. What is your name?

A. James Fisk, Jr.

Q. Where do you live?

A. No. 313 West Twenty-third street.

Q. Do you believe that you are about to die from the injuries you have received?

A. I feel that I am in a very critical condition.

Q. Have you any hopes of recovery?

A. I hope so.

Q. Are you willing to make a true statement of the manner in which you received the injuries?

A. I am.

Fisk was thereupon sworn, and made the following statement:

"This afternoon at about 4 o'clock I rode up to the Grand Central Hotel. I entered by the private entrance; and, when I entered the first door, I met the boy of whom I inquired if Mrs. Moss was in. He told me that Mrs. Moss and her youngest

daughter had gone out, but he thought the other daughter was in her grandmother's room. I asked him to go up and tell the daughter that I was there. I came through the other door, and was going up stairs, and had gone up about two steps, and on looking up I saw Edward S. Stokes at the head of the stairs. As soon as I saw him I noticed that he had something in his hand, and a second after I saw the flash, heard the report, and felt the ball enter my abdomen on the right side. A second after I heard another shot, and the bullet entered my left arm. When I received the first shot I staggered and ran towards the door, but noticing a crowd gathering in front, I ran back on the stairs again. I was then brought up stairs in the hotel. I saw nothing more of Stokes until he was brought before me by an officer for identification. I fully identified Edward S. Stokes as the person who shot me.

"JAMES FISK, JR."

After Fisk had appended his signature to the statement he became very faint and the attending surgeons were obliged to give him stimulants.

The jury having heard the deposition of Mr. Fisk, rendered a verdict:

"That James Fisk, Jr., came to his injuries by pistol shot wounds, at the hands of Edward S. Stokes, at the Grand Central Hotel, January 6th, 1872."

VI.

THE NIGHT BEFORE DEATH.

ATTACHED to the apartments wherein lay the wounded Colonel of the Ninth was an ante-chamber, but it was only to the privileged few that entrance was obtained to this room. There was a very wise interdict issued by those who had the charge of Mr. Fisk, as to admission even to the corridors, in order that as much quietude as possible should be secured for the suffering patient. A policeman was placed at the foot of the staircase, and another policeman was on duty in the vicinity of Fisk's room. The indications that a sick person was not far away were many. On the marble slab under the large mirror were a number of tumblers and glasses as well as vials, some partially emptied, but many that yet contained goodly quantities of healing liquids. Scattered around the room upon chairs, sofas and the floor were hats and overcoats and overshoes. Newspapers, some partially torn, were lying loose upon the floor. "Extras" were being scanned by the friends present.

These latter were seated around the room with long faces, discussing in low tones the incidents of the sad event. Among the most prominent of the friends was William M. Tweed. He was quietly seated at one end of a sofa, his ample proportions filling it completely. He seemed to be perfectly at ease, and looking for all the world as if he, too, had not lately experienced a sad calamity, although different from that of the sufferer in the adjoining room. The late "Boss" quietly conversed with some friends present, expressing his deep regret that the sad event that had called them all together had taken place. He spoke in feeling terms of the kindness of heart of Mr. Fisk, and expressed the belief that should he die New York would deeply mourn the loss of a citizen whose enterprise was second to that of none other of her citizens. Colonel Hooker, Mr. Fisk's brother-in-law, Mr. Barden and Drs. Tripler and Fisher were among the other occupants of the room.

Mr. Fisk's sick chamber was adjoining this room, and separated from it by heavy sliding doors. Upon entering the sick room Mr. Fisk was discovered upon a bed at the right of the door. The room was richly but neatly furnished. The furniture, of black walnut, consisted of a massive bedstead, a bureau and centre table, the two latter having marble tops. Each of them was covered with vials, tumblers, pitchers, bandages, towels and other appliances for the sick. The floor was covered with a rich looking carpet, of a neat figure, and a number of wide easy chairs were ranged round the room. The sufferer lay upon the bed in a sound sleep, snoring very loudly. He was under the influence of morphia, large quantities of which had been given him since the attempted assassination.

His appearance was quite natural, except that there was a dark streak under his eyes, which, too, seemed to have dropped lower into their sockets. His hair was neatly combed, and even his long mustache was waxed as stiff as when he left the Erie building in the afternoon. Beside the bed was a chair upon which was placed a pillow, and on this his left arm rested, while the other was thrown carelessly over his chest. His cuffs lay under the chair, and his wristbands being unbuttoned his massive arms were bare to the elbow, the strong muscles showing the great physical powers of the man. For a few moments the sufferer lay perfectly quiet. Presently, however, he raised his arm and drew it several times across his face, in a nervous manner, at the same time muttering some-

thing that was unintelligible. In a moment Dr. Tripler was at the bedside. "What did you say, Mr. Fisk?" he asked. "Keep away the pain," the sufferer replied, "and it is all I ask." "He is the gamest man I ever saw," said the doctor; "he does not seem to be alarmed at all."

At eleven o'clock the several physicians arrived and the last consultation was held for the night. There were present, among other physicians, Drs. Sayre, Fisher, Tripler and Wood. Anxious faces watched for the return of the medical men, and their exit from the sick room was the signal for a volley of questions from the scores of friends that filled the halls. "He is getting along nicely," said Dr. Sayre. "The wound has been probed some five inches, but the ball has not been extracted. It has probably lodged in the cavity of the stomach, and the patient would suffer great agony if he were not under the influence of morphia. It is as yet difficult to say what the result of the injury will be, but from the present symptoms we have great hopes of his recovery. He is a strong man, but his constitution will receive a severe strain by the time he recovers from his injury." The other physicians joined Dr. Sayre in his opinions, and many were the faces that brightened at these hopeful remarks.

At 12 o'clock Mr. Fisk was sleeping soundly, and Drs. Fisher and Tripler had taken their positions at the bedside of the patient for the night. Mr. Tweed and the other watchers were still present, and a large number of people continued to occupy the halls and parlors. The physicians in charge anticipated no important changes during the night, and met their associates at a consultation at 8 o'clock the next morning.

VII.

DYING, DYING, DEAD!

At a quarter to eleven o'clock, on the morning of Sunday, January 7th, 1872, James Fisk, Jr., expired in the bed-room attached to parlor No. 213 in the Grand Central Hotel, in consequence of the mortal wound inflicted by the hands of Edward S. Stokes.

The surgeons had but faint hopes of his recovery after their consultation on Saturday night. Still, all that the experience of the eminent surgeons summoned to his bedside could suggest, was done to aid him.

Feeling himself that his case was almost

hopeless, he bore the knowledge patiently. Speaking to Dr. Fisher, who was bending over his bedside about 10 P. M., he asked him, "Doctor, is there an even chance of my getting well again?" The doctor responded with kindly assurances. The business-like phraseology of the query would indicate that he was characteristically regarding his living or dying from a speculative point of view. He could calmly estimate the chances, and thus added another example to the many illustrations of the ruling passion strong in death.

About 4 A. M. Dr. Fisher asked him how he felt, and he replied that he was "doing nicely," asked for a drink of water, and seemed to recognize everybody in the room. The opiates which had been administered now began to have their effect, and the dying man sank into a profound slumber. He remained in a heavy death-like sleep from half-past 4 A. M. until 9 A. M. Mrs. Fisk had received the telegram sent to her shortly after the shooting, and arrived at the hotel at 7 A. M. She remained at his bedside until his death, except for a few minutes when she went away to breakfast.

At about 9 o'clock his breathing became more heavy and labored. A consultation of his medical attendants had been held from 8 until 9 o'clock, and at its close a bulletin was posted on the grand staircase of the hotel, reading: "9 A. M.—Col. Fisk is sinking." Drs. Wood, Sayre, Fisher, White, and Tripler were the consulting surgeons. Dr. Carnochan, was also present, having been recommended by Wm. M. Tweed on the night previous.

Their examination had proved that the ball producing death had entered the abdomen five and a half inches above the umbilicus, and one and three-quarter inches to the right of the median line; the ball taking a downward course, and to the left. The ball could not be found. He was sleeping quietly, and was not in pain, with pulse 130, respiration 20. The prognosis was unfavorable, and peritonitis was feared. All concurred in recommending stimulants; but all remedies seemed unavailing, and it was seen that he was rapidly sinking.

During all these hours great crowds had been gathered in the lower halls of the hotel, and crowds more subdued and orderly have rarely been seen in this city. The question upon every lip was, "How is Fisk?" and the bulletin posted at the foot of the grand staircase was too vague to satisfy the general curiosity. But little news came from the bed of the dying man to satisfy this general feeling. The crowds were kept on the street floor of the house

by a guard consisting of a policeman and one of the porters of the hotel, stationed at the foot of the stairs, as was, perhaps, necessary to prevent undue intrusion upon the guests, and upon the scene of approaching death.

Faced to face at last with a death that seemed strangely in keeping with his career, James Fisk, Jr., appeared in a new character. During this whole hour there was about him scarcely a reminder of his life. The associates who with him had achieved unenviable notoriety had kept aloof, and this last of earth was not stained with the presence of William M. Tweed, Jay Gould, or of any other member of the Tammany or Erie Rings. In their stead was the stricken wife of the sufferer and her friend Miss Harrot, the two brothers-in-law of the dying man, Mr. Moore and Mr. Sanderson, with Mr. Belden, Mr. Aspern and Mr. Pollurd. These, with Drs. Fuller and Tripler, the physicians of the hotel, made up the group around the bed of the unconscious man. They had been summoned by Dr. Fisher when he saw the unmistakable signs of approaching dissolution, and there was no person near the bed who was unmoved. Mrs. Fisk was entirely uncontrollable in her grief, and her anguish was the greater from the fact that she had reached her husband only after he had fallen into the comatose condition, and had not been able to recognize her.

The silence being broken only by the sobs of the sorrowing group, and the labored breathing of the dying man, which every instant became fainter and more fitful, the moments slipped away, until the watch of Dr. Fisher, who sat with his hand on the pulse of the wounded man, pointed to 10:40 o'clock; then all could see that the end was at hand. Then the mysterious change came, and the breathing became only short, convulsive gasps. But there was no sign of agony in the unconscious man. There was no contortion of the face, no twitching of the muscles, no movement of the limbs. Calmly and peacefully this life, which had been so turbulent, ebbed away, and at 10:45 o'clock James Fisk, Jr., was dead. Unconscious to the last, he was spared the pain of looking back upon his past, or of contemplating his future.

The news passed quickly, and in a few minutes was known far and wide. When life was gone Mrs. Fisk was assisted to her room, where she remained in strict seclusion afterward, and Capt. Byrnes entering, took possession of the body to await the arrival of Coroner Young, for whom a messenger was immediately sent. He arrived at half-past 11 o'clock and consumed an

hour in determining his future proceedings in the case. At last it was arranged that the body should be removed to the late residence of the deceased, No. 313 West Twenty-third street, where the post-mortem should be made at 5 o'clock in the afternoon, and where it should be viewed by the jury to be summoned in the case at 11 o'clock in the morning, after which the inquest would be held at the City Hall at 3 o'clock in the afternoon. This arrangement was made in compliance with the wishes of the family, who desired to leave the city at half-past 1 o'clock in the afternoon for Brattleboro, Vt., where the remains were to be buried. Coroner Young also ordered that eighteen prominent citizens should be summoned to serve upon the jury; and, having directed that after being placed in the coffin the body should be exposed to the view of the friends, he delivered it to the undertaker and took his leave.

Before the body was removed from the bed, James Fisk, Jr., seemed only asleep. The color was indeed gone from the massive face, but it had lost none of its fullness; the eyes were closed, as when he died, and all marks of the violence of which he was the victim were hidden under the bed-covering. Even after the body was placed in the coffin, and exposed to view in the parlor attached to the bedroom, there was hardly a sign of death in the smooth pallid face. Hundreds viewed it as it was thus exposed, and while they went and came, Jay Gould sat a few feet from the coffin, without showing the least sign of the emotion he must have felt at this sudden sundering of the Erie Ring, which had so long resisted all the efforts to break it made through the law. It was a picture never seen before and never to be seen again; the dead Fisk gazed upon by hundreds, with pity only because of the manner of his death, and the living Gould sitting unmoved beside the corpse, to be looked upon with abhorrence by many who passed, for the deeds which he had wrought with him who was dead. At last the ordeal was too severe for even the iron nerves of Jay Gould, and long before the coffin was closed he disappeared, and was not again seen in the hotel.

After an hour had elapsed, the dead man was left alone with the hired attendants and curious strangers. Of the scores with whom he had conspired, of the hundreds whom he had befriended, not one remained. But the exit of the body from the scene of the tragedy was to be both dramatic and suggestive. Just before the coffin was closed, William M. Tweed furtively entered

the room. The crushed chieftain of Tammany having gazed upon the dead, retired to a corner of the room. Then the coffin was closed, was taken up by the men of the undertaker, and borne from the room. Tweed followed, and the crowd being kept back by Patrolmen Westerman and Warren, the coffin was carried up a narrow private stairway to the floor above. Through the corridors of this floor it was borne to the stairs on the other side of the building, and down these to the southern Mercer street entrance. To this point Tweed had followed up stairs and down stairs, and through all the winding corridors, with his bowed head uncovered. But, arriving at this point, he paused, gazed a moment at the coffin which contained all that was mortal of his friend, and turning, retraced his steps. Then the body of Jas. Fisk, Jr., was taken through the kitchen door out of the house in which he had been slain, placed in a hearse, and carried hastily to No. 313 West Twenty-third street.

VIII.

HIS LAST WILL AND TESTAMENT.

I, James Fisk, Jr., of the City of New York, being of sound mind and memory, do make, publish and declare this my last will and testament, hereby revoking all former wills by me made.

1. I give, devise and bequeath all my estate and property, real and personal, except the special legacies, hereinafter mentioned, to my beloved wife, Lucy D. Fisk, subject, however, to a trust to pay to my dear father and mother jointly, or to the survivor of them, \$3,000 a year for their support during the life of them or either of them; and further, to pay to Minnie F. Morse and Rosie C. Morse, each, \$2,000 a year during their lives, respectively until marriage, when the annuity of the one marrying shall cease; the property and estate aforesaid to rest absolutely in the said Lucy and her heirs forever, subject only as aforesaid; and the said trust shall not affect her right freely to dispose of and transfer any such property.

2. I give and bequeath to my sister, Mrs. Mary G. Hooker, stock in the Narragansett Steamship Company of the par value of \$100,000, for her sole and separate use forever.

3. I appoint my said wife and my friend, Eben D. Jordan, of Boston, executors of this my last will and testament. In witness

whereof I have hereunto set my hand and seal this 6th day of January, 1872.

[L. S.]

JAMES FISK, JR.

Signed, sealed, published, and declared by the testator to be his last will and testament in the presence of us, who have hereto subscribed our names as witnesses, at his request, and in the presence of each other.

Thomas G. Shearman, No. 316 West Twenty-second street, New York.

Jay Gould, No. 578 Fifth avenue, New York.

F. Willis Fisher, M.D., Grand Central Hotel.

IX.

LYING IN STATE.

On the morning of January 9th, Superintendent Kelso detailed a large force of police under Drill Master Capt. Copeland to act as guard around the Opera House. It soon became evident that this force had not arrived any too soon; for great multitudes of persons who were anxious to see the face of the world-famed Colonel kept pouring in, until at half past ten o'clock Twenty-third street, as far as Seventh avenue and Eighth avenue, from Twenty-third street to Twenty-fourth street, was one dense mass of men, women and children. Every one made direct to the entrance on Twenty-third street, and the surging crowd soon became uncontrollable. An extra force of police soon arrived, and with almost superhuman exertions the crowd was forced back from the sidewalks in front of the Opera House. So great was the crush that five ladies fainted away and were taken into the drug store at Twenty-third street and Eighth avenue. Every window and roof commanding a view of the scene was occupied, and on the cross beams of the lamp-posts were seated numbers of adventurous boys. The appearance of the vast multitude denoted that a feeling deeper than mere vulgar curiosity had drawn them together.

Inside the Opera House men moved about the corridors with noiseless step and spoke in subdued whispers only. It was indeed a house of mourning. The large vestibule of the building in which the body of the lamented Colonel was to lie in state was draped in mourning. Festoons of black and white crape were suspended from the dome and attached to the beams which supported the galleries. The gilding and carving on the galleries were

concealed by festoons of crape and white satin, tastefully fastened with black and white rosettes. Facing the entrance to the vestibule and suspended from the gallery was a life size portrait of Colonel Fisk. The picture was draped in black and white crape. On the left was the American flag. On the right was a rebel flag captured by the Veteran Corps of the Ninth Regiment in the battle of Antietam. Both of these emblems were draped in black. The immense chandeliers were also hung with crape, which completely hid the gold branches.

The body of Col. Fisk was lying in his residence, 313 West Twenty-third street. At half past ten o'clock the casket which was to contain the remains of the Colonel was carried past the Opera House and into his residence. It was of solid rosewood, highly polished. On its sides were heavy gold bars. The inside was trimmed with heavy folds of white satin. On a silver plate fastened on the inside of the lid, is the following inscription:

JAMES FISK, JR.,

DIED JANUARY 7TH, 1872.

In the Thirty-seventh Year of His Age.

At 11 o'clock Coroner Young, with the jury which he had impanelled, called at the house and viewed the remains.

At half-past eleven o'clock, the casket containing the body was borne from the residence and up the grand stairway to the magnificent vestibule of the Erie Railway offices, where it was deposited on a catafalque.

Soon afterward the lid was raised, and the face was exposed to view. Not the slightest change was discernable in the Colonel's features. The body was dressed in the complete suit of the Colonel of the Ninth. The sword lay by the dead Colonel's side, and his military hat rested on the casket. His arms were folded across his breast, and his hands were encased in white kid gloves. Across his shoulders was a delicate wreath of tuberose. A table at the head and one at the foot of the casket bore wreaths, crowns, and immense bouquets, composed of camellias, white roses, tuberose and immortelles.

Lieut. Montgomery and Sergeant Aspel, of the Ninth Regiment, stood at the head of the casket. Capt. Fuller directed the ceremonies.

At 12 o'clock the lower doors were thrown open, and immense numbers of sympathizers began to move up the stairs and through the vestibule in single file. The preponderance of ladies was great, and many of them as they cast a glance at



COLONEL JAMES FISK, JR.



STOKES LYING IN WAIT FOR HIS VICTIM.

the remains were affected to tears. Strong men wept, and few dry eyes were seen in the vestibule. One of the attaches of the Opera House leaned over the corpse, and patting the Colonel's cheeks, sobbed bitterly. As she moved off she said:

"Poor boy, so young and so generous hearted, to fall by the hand of a cowardly assassin."

A venerable, silver-haired gentleman said to her, "Well may you weep, my child, for the poor of this city have indeed lost a benefactor."

Charley, who for years had been Colonel Fisk's barber, stopped at the side of his corpse, his lips moved convulsively for a few seconds, as if his feelings were striving for utterance. Finally he took the ends of the Colonel's moustache between his fingers, and, twisting them gracefully, said: "One more twirl, dearest of friends, for the last time."

This simple incident brought tears to the eyes of all who witnessed it. An aged French gentleman, dressed in the height of fashion, but wearing a long piece of crape on his arm, stopped, and gazing on the corpse, said: "*Mon pauvre Jim, je te man- que deja.*"

For two hours the long line of mourners was unbroken, and when Capt. Fuller announced to Mr. Merritt, the undertaker, that there was scarcely time to reach the depot, and the doors were closed, there was no perceptible diminution in the numbers in front of the opera house.

The members of the Ninth Regiment and the band, who, with the Aschenbroedel Verein, of which Col. Fisk was an honorary member, had been waiting in the lower hall. They next filed past the body. The arms of the soldiers were reversed. Many of the members wept freely. One of them said aloud: "Maledictions on the vile assassin!"

Chaplain Flagg then read the funeral service in a deeply impressive tone of voice:

"I am the resurrection and the life, saith the Lord: he that believeth in me, though he were dead, yet shall he live; and whosoever liveth and believeth in me, shall never die.

I know that my Redeemer liveth, and that he shall stand at the latter day upon the earth. And though after my skin worms destroy this body, yet in my flesh shall I see God; whom I shall see for myself, and mine eyes shall behold, and not another.

We brought nothing into this world, and it is certain we can carry nothing out. The

Lord gave, and the Lord hath taken away; blessed be the name of the Lord."

Just as the prayer for the dead commenced, Mrs. Fisk and Mrs. Hooker, Col. Fisk's sister, walked up the vestibule leaning on the arm of Mr. Moore, a brother-in-law of the Colonel. They were attired in the deepest mourning. Their features were completely concealed by heavy black crape veils. They remained seated until the conclusion of the prayer. They then went to the side of the corpse. Mrs. Fisk raised her veil, and, bending over the body, kissed her dead husband's lips. She was then led away by Mr. Moore, sobbing bitterly. Mrs. Hooker's grief was apparently more intense than that of Mrs. Fisk. Raising her veil, she kissed the cold face of the dead Colonel. Then throwing herself on the body, she exclaimed in accents of the wildest emotion:

"Oh, James, dearest and kindest of brothers, and best of friends, speak one word, if but one, to your dear sister. Oh, speak, James, and come back to us!"

It was with difficulty that she was removed to an ante-room.

The lid of the casket was then closed, and the well-worn battle-flag of the Veteran Corps of the Ninth Regiment was spread over the top. Assistant District-Attorney Fellows, who up to this time had remained in the directors' room with Jay Gould, entered the vestibule, and asked permission to look once more on the features of his friend. When the lid was raised, Mr. Fellows leaned over the body and sobbed bitterly, the tears streaming down his face as he said:

"Good-by, dear boy. You was always a true and steadfast friend. Good-by, good-by."

The casket was then closed for the last time. It was taken down stairs and placed in the hearse. Among the distinguished persons in the vestibule were Drs. Pollard and Eldridge, H. Ramsey, Henry Hurley, H. C. Rathbun, John Hilton, Jay Gould, H. Thompson, F. A. Lane, E. A. Buck of Buffalo, H. N. Smith, Mr. Belden, James B. Bache, C. McIntosh, C. S. Spencer, Marshal Joseph H. Tooker, H. Sherwood, O. H. P. Archer, Mr. Simons, J. H. Bacon, D. D. Field, W. A. Beach, D. Field, T. G. Shearman, Mr. Drake of Corning, Homer Ramsdell, B. W. Blanchard, J. W. Guppy, E. K. Willard, Charles Orcutt, Samuel Pike, L. D. Rucker, Henry Thompson, C. D. Earle, J. N. Abbott, Wm. R. Barr, W. O. Chapin, T. B. Bunting, A. C. Radcliffe, C. S. Brown, Geo. Fowler, E. B. Hill, E. O. Hill, J. K. Frothingham, H. L. Gatchell,

H. W. Moor, A. L. Hall, C. A. Peck, W. H. Johnson, W. Drake of London, Colonel Conklin of the Eighty-fourth Regiment, Gen. Varian and staff, and Richard Tweed.

The following-named gentlemen constituted the guard of honor: Adj. Allen, Lieuts. Wood, Montgomery, Bowland, Hussey, Bacon, and Palfrey. Messrs. Henry Thompson, John Hilton, and Dr. Edwin Eldridge were appointed by the Erie Railway directors as a committee to accompany the body to Brattleboro.

X.

THE MILITARY FUNERAL.

As early as ten o'clock the armory of the Ninth Regiment in West Twenty-sixth street was filled with officers and members of the command and those of other organizations in the First and Second Divisions, including the members of the Veteran Association of the Ninth. The garrison flag over the armory drooped mournfully at half-mast. On the opposite side of the street the immense manufactory also lowered its flag. A dense mass of citizens gathered on the sidewalks, filling the space between Seventh and Eighth avenues. A marked absence of the customary parade joviality was noticeable. The sad loss to the regiment was the solitary topic of conversation. The grief was sincere. Gen. Varian, with his entire official family, was early on the scene, as well as representations in uniform from nearly every other regiment in the First and Second Divisions. A touching illustration of the *esprit de corps* existing between the Eighth and Ninth Regiments was exhibited in a full representation of the former, from the commissioned officers and the rank and file.

A great excitement was apparent among the members of Col. Fisk's pet band. In the music room there was a great hubbub. With the traditional German emphasis of speech and gesticulation, they denounced the assassination. Even the drum corps shared the general grief, sadly muffling their drums, wrapping the black baize about them, and loosening the snares.

An interesting and suggestive event was the drapery of the regimental stand of colors. The furled silken standards were enshrouded with a profusion of heavy crape. Everything save the bright silver spear above and the flagstaff below was covered.

In the immense drill room on the upper story the number of citizens present im-

peded the movements of the command. The same deep gloom which pervaded the company room below was visible here. In the absence of Lieut. Col. Baine, who was at the lying-in-state, Major Hitchwell directed the formation. The day being bitter cold and the regiment having no overcoats at least one-third of the command were absent. Nevertheless the presence of the absentees in citizen's clothes was a sufficient evidence of the common grief at the regimental loss.

At 12 o'clock precisely the muffled drums sounded the assembly. Adjutant Allien equalized the battalion to a company front of twenty-one files. At 1 o'clock the column was set in motion. Preceded by the Veteran Association and non-commissioned officers of other commands, the escort marched, without music, down West Twenty-sixth street into Eighth avenue. The dense throng in Sixth avenue yielded a willing and sympathetic passage. Opposite the Erie building the column halted. After a momentary delay the escort was marched into the building, where they passed in single file by the body of their late comrade in arms. This occupied some time, and visibly affected some of the personal mourners. Regaining the street through the Eighth avenue entrance, the escort filed into Twenty-third street, where the line was formed.

At this time the police with great difficulty crowded to the sidewalks the thousands of spectators. To compel the dense mass to fall back the patrolmen fiercely brandished their clubs. But there was no confusion. Sympathy was the reigning sentiment. The noticeable presence of so many women no doubt contributed to produce this effect.

The appearance of the pall-bearers was the signal for a movement in the band. A ruffle from muffled drums, followed by a plaintive dirge, broke upon the wintry air. Four hundred rifles came to a present as the remains of the dead Colonel were borne to the hearse. This done the escort broke into column and moved off in the following order of procession:

Battalion of police under command of
Capts. Copeland and Burden.

Ninth Regiment Band.

Drum Corps.

Aschenbroedel Society.

Officers of the Narragansett Steamship
Company in uniform.

Ninth Regiment in column of companies,
left in front.

Erie Railway Employees.
Carriage of Chief Mourners.

Col. Sterry,	Lt.-Col. Webster,
Col. Allen,	Col. Scott,
Gen. Funk,	Col. Clark.
	

HEARSE.

Col. Fisk's horse led by groom in livery.
 Two platoons non-commissioned officers
 and privates, National Guard.
 Six platoons commissioned officers.
 National Guard marching in single rank.
 Gen. Varian and Staff.
 Ninth Regiment Veteran Association, Gen.
 Hendrickson commanding.
 Platoon of Police.
 Carriages.

From the Erie building to the New York and New Haven Railroad depot was but a short march. It was only three blocks north and four blocks east. On the line of march the sidewalks were filled with people. Clusters of humanity blackened stoops, verandahs, balconies, and roofs on the route. There was something dreadful in the solemn silence which was broken only by the steady tramp of the soldiery and the funeral roll of the muffled drums. The Ninth Regiment never before presented so imposing an appearance as it swept along with company front, accurately aligned, stretching from curb to curb. The regiment reversed its arms. Every officer wore the crape insignia of grief on his left arm and on his sword hilt. The blue and red colors and golden fringe of the Stars and Stripes were dimly discerned beneath a cloud of crape. Never since the martyred Lincoln was borne through New York's streets was so impressive a spectacle witnessed. As then, a dread of horror of the assassin's work was revealed on every face. In the extraordinary and significant spectacle presented, the Anglo-Saxon instinct against assassination expressed itself in fitting manner.

One of the most effecting incidents of the cortege was the riderless horse led by the Colonel's favorite groom. The reversed stirrup hoods, with boots and spurs attached, strikingly suggested the absence of the rider. When the escort changed direction to the right and passed into Twenty-sixth street, it broke into column of fours. A few steps further and it halted. Wheeling into line of battle, right resting on Fourth avenue, arms were brought to a present. The execution was faulty; so rapidly and indistinctly was the command given that the movement was not uniform on the part of the right wing. As the hearse passed from the left to the right of

the column the band played a dirge, the troops meanwhile remaining at a present.

A throng of citizens equaling if not outnumbering that at the Erie building gathered at the depot. A strong force of police, under Capt. Cameron, kept the space clear. The hearse, drawn by four black horses, was then driven into the depot. The pall-bearers transferred the casket to the special funeral car, which was heavily festooned with black and white drapery, as was the rest of the train. The officers of the Ninth stepped aboard and the parade was dismissed. The first sergeants thereupon marched their respective companies back to the armory.

XI.

THE ROAD TO THE GRAVE.

Two horses were attached to each car, and in that manner were rapidly drawn up Fourth avenue, and through the tunnel to Forty-second street. The crowd which waited at the entrance to the depot was equalled in numbers and respectability only by that which had surrounded the Opera House in the morning. The railings of the walls on either side were fringed with men, and even women risked that elevated and perilous position to catch a passing glimpse of the poor Colonel's coffin. Inside the depot every available inch of space was occupied. The multitude pressed forward, but reverently, to try to catch a glimpse of the coffin. They were balked, however, as it was entirely hidden from view by the elegant black silver-mounted casket in which it had been placed.

At a quarter past three, sharp, the train started, every hat being removed as the mourning dressed car passed. All the way up to Fifty-seventh street the multitude extended in an unbroken line. Above that at every corner a crowd of sympathizers stood to offer a last tribute of respect to the murdered man.

The train passed Harlem at 3:20 and Williamsbridge at 3:50. At each place there was a crowd of about 200 persons. Port Chester was reached at 4:05, and Greenwich at 4:11. Here the crowd was smaller. At Greenwich and below many persons were enjoying the splendid skating. Stamford hove in sight at 4:23. Here an assemblage of 500 persons crowded around the car for the purpose of getting a sight at the casket.

Arrived at South Norwalk at 4:44 and

stopped for one minute, a crowd of one hundred and fifty persons standing meanwhile with their hats off. Passed Southport at 5 and reached Bridgeport at 5:10, where a stoppage of two minutes duration was made. The crowd here was immense and must have numbered two thousand persons. The general feeling was one of deep regret at Col. Fisk's death and for revenge on his murderer. It having been reported that the funeral train had gone by the Harlem road, many persons had gone away, or otherwise the crowd would have been much greater. At 5:30 the train stopped at the Naugatuck river junction to allow the Shore line express to pass. Crossed the Naugatuck River bridge at 5:35, and passed Milford at 5:42, and Stratford at 5:45. At 6 o'clock, arrived at New Haven. The most intense excitement prevailed. The *Evening Register* had printed a despatch dated New York, 4 p.m., stating that Stokes had committed suicide, but giving no particulars. The report made a stir in the train, but it was generally discredited. The crowd in the depot must have numbered over 3000. It was filled with them. The same feeling was found to exist here as at Bridgeport. Wallingford was passed at 6:35, and Meriden was reached at 6:45. Here also there was a large crowd. The next place was Berlin, which was reached at 7:01. An assemblage of a hundred persons had congregated here. The train dashed into the Hartford depot at 7:20. There was an immense crowd, but the train tarried only a minute in Springfield, where it arrived at 8:15. The multitude numbered over five thousand. One man shouted "Revenge!" Otherwise they were quiet and orderly. Everywhere the greatest curiosity was manifested to see everything and everybody connected with the funeral. No sooner did the train stop than the platforms were covered and the windows were darkened with heads endeavoring to peer in. At Springfield the funeral train was switched off on the Connecticut river track and a fresh locomotive attached. This caused a delay of about ten minutes, which were made good use of by the mourners in the refreshment room. At Springfield Mr. A. J. Pollard and Miss Addie Moore of Boston joined the party. The train passed Holyoke at 8:55. Here there was a crowd of a hundred persons. Northampton was passed at 9:15. The assemblage numbered about two hundred. Hatfield was passed at 9:30, and Wheatley at 9:37. Arrived at South Deerfield, at 9:50. A large crowd stood shivering in the hard snow until the train started again. Greenfield was reached at 10:14. There

were about two hundred persons here, many being in sleighs. South Vernon was reached at 10:50, and Vernon at 11:20. Stoppages were made at both places, and respectful crowds saw the train come and go. At twenty-five minutes to 12, New York time, the train dashed into the snow-capped mountains in which Brattleboro lies nestled. The platform of the station was fairly packed with people, and it was all the party could do, with the sturdy assistance of the village constable, to make their way out of the cars. It was a sorrowful assemblage of the friends of Col. Fisk's boyhood, and was astonishingly large for such a petty place. The casket was taken out of the case, and, being surrounded by the officers of the Ninth in full uniform, was carried slowly over the snow to the Revere House, where everything had been prepared to receive it. It was then laid out in state, and all hands adjourned to a bountiful supper and to bed. It was intended to leave the coffin all night in the house of Mr. John W. Frost, an old resident of the place, and friend of Mr. Fisk's father.

The Rev. Wm. L. Jenkins, pastor of the Unitarian Church, presided. The Baptist Church was used, as being more commodious. The cemetery in which Col. Fisk's remains repose is on a bluff overlooking the river and some most romantic scenery. It is a lovely spot. Last Spring the Trustees wrote to the Colonel, asking a donation for the purpose of enclosing it with an iron fence. The Colonel wrote back saying that they didn't need any fence; those that were in couldn't get out, and those who were out didn't want to get in.

XII.

HIS BOYHOOD'S HOME.

COL. FISK went to Brattleboro when a boy of three years. His father built the Revere House, the principal hotel of the village, and it is now owned by Mrs. Fisk. She also owns the fine row of brick buildings which ornament the main street higher up. Here young Fisk lived and grew up and played hookey from school, and started out on his famous peddling tour. All the middle-aged men for miles around knew him, and played with him when he and they were boys. He is described as a smart, headstrong youngster, able to whip anything of his size and weight in the country, the leader of all juvenile sports, with an utter detestation

of school, but apt to pick up information, especially in figures, in which he excelled. He wrote a bold, large hand, perfectly legible, but covering a vast deal of space. He was just such a boy as everybody would love, and everybody did love. Just such a boy as he was a man. The people are never tired talking of him, and relating anecdotes in which he figured prominently, and which came under their personal observation.

His body was placed in room No. 1 of the Revere House, the room in which his sister Minnie and her husband, Col. Hooker, held their wedding reception. The magnificent floral offerings which decorated his coffin in New York were tastefully arranged around him. They were brought on wrapped in cotton and enclosed in large pasteboard boxes, under the charge of Messrs. Curtis and Husted, members of the florist firm which furnished them. None but intimate friends were permitted to visit the room and look upon the face of the dead Colonel. Hardly had the first streak of dawn appeared on the morning of the 9th, when the jingle of the sleigh bells announced the arrival of the country folk for miles and miles around. Into the town they poured in a steady stream. All knew Jim Fisk of their own personal knowledge as far around here as his famous peddling wagon was wont to travel. It is a creditable fact, which will force itself upon any one who may mix with Col. Fisk's acquaintances, that those who knew him loved him. Here, where he was reared, everybody speaks well of him. Of all the multitude which overflowed the village of Brattleboro, there was not a person but spoke of his life with enthusiasm, and of his sad death with tears.

It is wonderful where all the people came from. The principal street presented two long lines of sleighs throughout its whole length, and in the side streets stood unnumbered ox teams, and still they came dashing in. Hundreds arrived from Springfield and Boston and other large cities within easy reach. The hotels were filled to their utmost capacity. The streets, the lounging places about town, were crowded with sad-visaged people in holiday attire. The day was generally observed as a holiday. The funeral was the all-absorbing topic of conversation. Of course every thing in any way relating to the dead Colonel was eagerly discussed and listened to. Woe be to the man who dared speak disparagingly of him.

A notice was posted up in the hotel about 10 o'clock in view of the increasing

multitude, that the casket would be borne to the church and the body exposed to view at 11 o'clock.

At 10:30 a small hearse on runners, and hung with black and white silk curtains, was drawn up to the door by two jet black horses in gold mounted harness. The casket was then reverently borne down stairs and placed in the hearse, which, being surrounded by a detail of officers in full uniform, moved slowly up the street to the Baptist Church. A large multitude followed. Mourning drapery was festooned all around the walls of the church, and four evergreen wreaths hung from the organ pipes. Above these on the organ hung two black streamers, cut in points at the bottoms. Conjointly they bore the inscription: "In the midst of life we are in death."

Col. Wm. D. Van Wyck, the escort, composed of Adj. Allien, Quartermaster Bailey, Capts. Blaney, Miller, Smith, and Sergeants Aspell and Jackson, with the assistance of the undertakers, lifted the casket and carried it up stairs and along the aisle until they reached the broad lower steps under the pulpit. Here it was laid lengthways upon two stools, and the lid was opened. The face had not been changed, nor were there any signs of decomposition, except a slight discoloration above the moustache on the right side.

The florists were already there with all the magnificent floral offerings which surrounded the body in the Grand Opera House and in the hotel. They had also a large mass of fresh violets, white rose buds, and trailing green vines. With the assistance of Adj. Allien and Sergt. Aspell, they immediately set to work to arrange them about the coffin. A small round marble-top table was placed near the head of the casket, and on it was placed the large crown: in front stood the smaller of the two large crosses. The large wreath was hung from the centre of the coffin rail, with two small wreaths on either side. At the foot of the casket a rectangular table was drawn up, and the large cross was laid against it in the centre, resting on the carpet, the two anchors leaning against the legs. On the table of each end stood the two smaller crowns, a small wreath resting on a bunch of green vines. Between them, across the Colonel's breast, after the manner of a sash, was laid a row of vines dotted with white flowers and buds, a bouquet of white flowers was placed in one hand and his military cap in the other. Around his head was laid a bed of geranium leaves and white rose buds, a wreath reposed on his legs, and across between his feet loose

flowers were strewn in every available nook and corner. The silk regimental flag was draped over the lid.

As soon as everything had been arranged the doors were opened. The multitude who had been waiting were admitted. They passed up the right hand aisle around in front of the coffin, and down the left hand aisle out through the opposite doorway. Sergt. Aspell stood at the head of the casket and Adjt. Allien at the foot. The crowd came in in a perfect stream. Many burst into tears and lamentations. The stream of visitors was unbroken during the two hours which intervened until the beginning of the funeral service.

XIII.

THE LAST SERVICES.

THE church was filled to its utmost capacity. The crowd overflowed into the street and rendered admission impossible. The seats on the right of the middle aisle were reserved for the mourners, and those on the left for the officers. The front pew on the right was occupied by Mrs. Fisk, Mr. Moore, Mrs. Hooker, and Colonel Hooker. The aisles and the gallery were packed by richly-dressed people. Not one was there through mere curiosity. John Marshall, the Colonel's faithful body servant, was given a chair at the foot of the coffin. He wept unceasingly. Sergeant Aspell and Adj. Allien stood at either end. Capt. Gus Fuller acted as usher. The Rev. Dr. Flagg, the chaplain, was seated on the left of the pulpit. The Rev. Wm. L. Jenkins, the officiating minister, sat beside it. The organist and a choir of two ladies and two gentlemen stood in front of the organ.

By the Boston train, which arrived at a quarter before 1, a large number of ladies and gentlemen came. Among others were Eben Jordan of Jordan & Marsh, Mr. Bodwell, Geo. Sheverick, agent of the Fall River line, Asa Porter of the Old Colony and Newport Railroad, and many others. They brought two crowns and six or seven wreaths of flowers as offerings.

At length, on the minute of 1 o'clock, the organ pealed forth and the choir sang a voluntary. The Rev. Mr. Jenkins then stepped forward, and, after reading some appropriate passages from the Scriptures, offered up a long and earnest prayer. All bowed their heads, and thousands of handkerchiefs appeared all over the church. Mr. Jenkins' prayer, after commending Col. Fisk to the Almighty on account of

his many virtues, took in each of his relations and friends, his regiment, those who were in the church, the people of Brattleboro, the inhabitants of the United States, and the world generally. It was unnecessarily personal, and harrowed the feelings of everybody to that extent that sobs and wails of anguish could be heard all over the church. Mrs. Fisk and other relatives were entirely overcome. The prayer occupied half an hour. It concluded with a recitation of the Lord's prayer.

Mr. Jenkins then gave out the 605th hymn, which was sung by the choir, the organ accompanying. Then the Rev. Dr. Flagg stepped forward and preached the funeral sermon.

"BELOVED: The conventional services of the Church have been performed over the remains of our dead friend. In spite of a recent indisposition, I have traveled into these far-away mountains to attempt to do justice to the commander of the regiment of which I have the honor of being Chaplain. I did not travel so far either to give vent to the promptings of malice or pronounce a fulsome panegyric, but simply as an officer of the regiment commanded by him who raised it from a comparatively insignificant position to a peerage with the best and most efficient militia organization in the United States. I have known him only a short time, but in that short time I found him to be my friend, and have been led hither because I found in him that which attracts us to a man as goodness and truth always attract us. He who lies before you was no common man. He was not like the mass. As to his faults, I will not speak of them. A censorious world will do them ample justice. He had enough denunciations from those who never looked into his merits. It is but natural that a man of his strong characteristics should have had strong faults as well as strong virtues. Were he a person of mediocrity he would probably have passed through the world without censure. When his good qualities are balanced against his bad, I venture to say that we will have at least an equipoise, we will find them at least up to the average. I will speak of those virtues which were most manifest in him. He was magnanimous by nature, and never consulted his means when he wished to do a good deed. Rich men oppress the community both privately and publicly. There is a crabbed meanness in rich men generally which is contemptible. Col. Fisk was generous to a fault. He once remarked to me: 'I care little for money for its own sake. I wish for money in order to be enabled to do good to others.' He gave his money to the

poor, to such as truly needed it. It was a noble feature of his character that he gave not to those who had, but to those who had not.

"When lying a corpse in the Grand Central Hotel, a lady holding a child by the hand attempted to force her way into his room. 'For six months,' said she, 'he has kept me and my child from starvation, and I have never seen his face. I want to look upon my noble benefactor.'

"Another peculiarity was his independence and manliness of character. Col. Fisk knew how to say I will and I will not. He always expressed the sentiment of his soul in spite of all opposition. This is a virtue which cannot be too highly commended. There was nothing of the hypocrite about Col. Fisk. Whatever he did was open and above board. I believe that he did everything, whether good or bad, from conviction. Those things which shock public sentiment are not to be commended, but conscientiousness is. We have a wide testimony to his work. New York is giving such testimony at this moment. No matter what the maledictions of the press may have been, and no matter what those persons whom he has beaten at their own game may have said against him, they have all had the manliness to come forth in the last few days and acknowledge his virtues.

"The crowded hotel, the immense and respectable assembly in the streets, their sad faces as we passed in procession to the depot, show that where true virtue exists, the world is ever ready to acknowledge it. We have every reason to believe that he gave testimony to his faith in Jesus. We may hope that, although not professing that name during life, his prayer has been heard and accepted at the throne of the Almighty.

"As for you, who have met with so deep an affliction, there is only one consolation I can offer you, and that lies in your own consciousness; you know what he has done for you, you know his goodness, his excellence and his virtues, and the memory of this will ever be gratifying to you—will ever be a power to banish sorrow from your hearts. It is fitting that his body should be returned to the scenes of his childhood, that he should come back in death to his native hills. It is fitting that the last resting-place of citizen soldiers should be among those scenes where every footstep brings a reminder of the glorious deeds of our revolutionary forefathers. It is fitting that a man of such indomitable courage should be in a spot which has been prolific of so much heroism, and which has furnished the world with so many courageous men.

"In conclusion, let me warn you that we tread in uncertain places. You do not know who may be the next to fall. Be you ready, soldiers of the Ninth. You especially have reason to remember the terrible time which called your swords from your scabbards so recently. This funeral is but a sequel to the funerals which followed the 12th of July. You may again be called upon to fight, perhaps to fall, in defense of your country's honor. God knows whether in the uncertain future, some of you may not be reserved for a similar fate. Heed, then, I beg of you, the voice which proceeds from those mute lips. Do your duty to your regiment, to your God, to yourselves, and to your country."

This sermon, which was entirely extemporaneous, was listened to with the most profound attention. The delivery was elegant and graceful. Everybody seemed to think it went right to the point. The officers of the Ninth were in raptures over it, and Mrs. Fisk was so pleased that she called Dr. Flagg to her and expressed her thanks in person.

Dr. Flagg then read the solemn burial service of the Episcopal Church, after which the relatives were permitted to come forward and take a last look upon the remains. It was at first intended to dispense with this painful ceremony, and Mrs. Fisk had agreed to it, but Mrs. Hooker insisted upon seeing her dead brother's face once more, and the original programme was changed. The scene was now an extremely mournful one. Mrs. Hooker burst forth into loud lamentations, and her husband, unable to contain himself, followed her example. Mrs. Fisk leaned over and glued her lips to the face of the corpse for the space of several minutes. She had to be removed by gentle force, and half carried to her pew. Mr. Moore wept like a child. Mr. Moore's grief was of the most violent character, and the two Misses Moore almost fainted from excess of feeling. The other relatives buried their faces in their handkerchiefs and sobbed audibly. Col. Fisk's colored servant rocked to and fro in his anguish. The officers of the Ninth all had their handkerchiefs to their eyes. Sergeant Caspel standing at the head of the coffin allowed his tears to roll down unrestrained, while Adj. Allen faced about to hide his grief. The ministers on the altar showed visible emotion and the choir cried as though a dear relative was lost to them. This wild sorrow grew infectious and spread all over the church. People attempted to gulp down their rising tears and then broke down into weeping and sobbing. There was no

a dry eye in the building; for a second or two everybody seemed paralyzed. Then the undertaker stepped quickly forward and let down the lid of the casket, not, however, before Adj. Allen had secured the wreath which rested upon the Colonel's body. These he stripped of their flowers, and going around among the friends and relatives presented each with a blossom as a souvenir. It was a pretty act, done on the inspiration of the moment, and one for which the Adjutant received unnumbered hearty blessings. Mr. Meritt then locked the casket forever, and the battle-flag of the Ninth having been spread over its top, the following pall-bearers advanced and seized the gold-plated handles: Lieut-Col. Braine, Major Hitchcock, Col. W. E. Van Wyck, and Capt. Miller, Spencer, and Barrows. Slowly they bore it to the street and deposited it in the hearse sleigh in waiting. Then forming themselves as a guard of honor around the hearse, the officers of the Ninth moved slowly down the street and took a position as the head of the procession. An immense crowd who could not obtain admittance into the church covered the Post Office steps and lined the sidewalk opposite. Behind the officers the steamboat men fell into line, and behind them came the civilian friends of the dead Colonel. The ladies and the relatives entered ten large two-horse sleighs and followed. The first sleigh was occupied by Mrs. Fisk, Mrs. Hooker, Mr. Moore, and Colonel Hooker, and the second by the Misses Morse and Mrs. Morse.

At half past two the procession started. The church bell began to toll at the same moment. A line of people half a mile long walked on either sidewalk forward. They went bearing to the right when they reached the Brattleboro House. The windows of every residence were filled with spectators. Around the Brattleboro House to the left the pageant took another turn and began clambering up a long steep hill. The ground was icy and covered with caked snow, which rendered locomotion difficult. The bell still tolled mournfully and the sad procession of people followed slowly after. A number of other sleighs owned by residents of the neighborhood joined in behind. Up the winding hill path for five minutes more and the suffering multitude were on the top. The journey now lay along a level road, with the well-filled cemetery on the left. At about the centre of the white picket fence which surrounded the resting place of the dead, the head of the funeral procession turned in through an open gateway, and by a cir-

cuitous road arrived at a new-made grave on the very edge of the burial ground. The people already surrounded the hole in large numbers when the hearse drove up. The grave is on the very edge and about the centre of the declivity of the bold bluff, on the top of which the cemetery stands. Below is a deep valley, bounded on the opposite side by the Mantasket mountain, six thousand feet high, along whose base the Connecticut river winds. The scenery is romantic beyond description. The handsome case which contained the coffin on its journey from New York was quickly brought on the ground and the casket placed inside. The case was covered with black cloth and richly silver-mounted. The officers stood in a body on the right, the relations with Mrs. Fisk and Mrs. Hooker, in front. On the left of the grave the chaplain, the Rev. Dr. Flagg, was mounted on the newly turned up sand. The multitude gathered mournfully around, and doffed their hats. The casket having been placed upon the trestle work over the grave, Dr. Flagg invoked a solemn blessing upon the assemblage, then at a signal straps were put under the coffin, and the mortal remains of James Fisk, Jr., were lowered to the bottom of the grave. In another minute, at a quarter to 3 o'clock, New York time, six spadefulls of earth, thrown in by two small boys, had hid him from the sight of the world.

Col. Fisk's wife and sister were led to their sleigh in a half fainting condition. All were sobbing as though their hearts would break. It took but ten minutes to fill up the grave. Then all the mourners took their seats in large stage sleighs which had been provided for them through the kindness of Col. Miller, and were conveyed to the depot where the train was awaiting them.

Col. Fisk's entire uniform, sword and all, is buried with him, excepting his splendid diamond badge, which Mrs. Fisk will keep as a memento.

XIV.

FISK AS A BUSINESS MAN.

THE restless nature of the man began to betray itself before he was out of his teens, and James left home and entered the employ of the lion-tamer, Van Amburgh, in whose show he acted as a "tent hand" and assistant doorkeeper. Seven or eight years of this life enabled James to see a good deal of the world, when he returned

to Vermont and took up his father's old business of peddling. He was a sharp bargainer, a ready salesman, and possessed a degree of native wit that enabled him to dispose of immense quantities of goods. His prosperity only added to his presumption, and the outfit of each succeeding year eclipsed all former efforts. A spanking four-horse team, splendidly built wagon, and superb-plated harness, were his delight, and he went so far as to employ a clerk to assist him. Even now the country people of Massachusetts, Connecticut, and Vermont remember Fisk as a peddler, and he established a reputation in the business that has never been since equalled. His custom grew to such an extent, that the Boston firm of Jordan, Marsh & Co., then starting into business, considered it to their interest to purchase his business and employ him as a salesman. Fisk accepted the offer, but soon found that a clerkship was not to his taste. So dissatisfied did he become with the life, that he was on the point of resigning and beginning his old life, when the outbreak of the war changed the current of Fisk's career, for his speculative spirit at once saw an opening for his talents. A lot of old blankets in the store of his employers suggested an idea. He proceeded to Washington: kept open house for a few days, and sold the blankets at a high price, also securing a contract for an immense quantity. The firm made a round profit, and Fisk became a partner.

One of the first acts of Fisk as a partner was his ordering the purchase of a mill at Gaysville, Vermont, which was the only one of its kind in the country. Scarcely had the sale been effected than it was found that the mill goods were in urgent demand. A "corner" was the result, the firm cleared over \$200,000 in two years, and then re-sold the mill to its former owner. Fisk also dabbled in Confederate cotton, and cleared large sums for the house, his conscience not troubling him about the dishonesty or disloyalty involved in the transactions. So that it "paid," was all that Fisk considered necessary.

All this time Fisk lived in an ostentatious style, and made all the noise in the world he could. In 1865, he became too smart for his partners, and they paid him a large sum to withdraw. He at once started in business on his own account, locating himself at the corner of Summer and Chauncey streets, Boston, but the ebb of the commercial tide had already set in, and in a few months James Fisk, Jr., was almost as poor a man as when he took up peddling for a livelihood. He then came to New

York and opened a brokerage office in Broad street. But he was unsuccessful, and it was not until he made the acquaintance of Daniel Drew that any change in his fortunes was perceptible. Drew gave the sale of the Bristol line of steamers into Fisk's hands, and the firm of Fisk, Belden, & Co. was established in Wall street, their operations being so successful that Fisk possessed a \$1,000,000 bank account. The Erie directors quarrelled with Drew, and both Fisk and Jay Gould became members of the board. From the start these two men determined to gain possession of the road, and their schemes ultimately proved successful. In February, 1868, the famous over issue of Erie stock was completed, by which the capital of the road was nominally increased from \$19,000,000 to \$34,000,000. This operation led Fisk and Gould to imagine that they could secure colossal fortunes by operating in the stock. Commodore Vanderbilt held \$10,000,000 of the stock, and they persuaded the Board to purchase \$5,000,000 of Vanderbilt's stock at seventy per cent., at the same time making a private arrangement with the Commodore to have the "call" of the remaining \$5,000,000 for six months, they paying him \$1,000,000 cash for the privilege. Fisk and Gould then sold the \$10,000,000 "short" and so manoeuvred that the stock fell from 72 1/2 to 35. They then "watered" the Company's stock from \$34,000,000 to \$57,000,000, and purchased Vanderbilt's stock with the proceeds of the sale at forty per cent. Fisk is believed to have cleared by this transaction, over \$1,125,000. In July, 1868, the brokerage firm of Fisk, Belden & Co. was dissolved, and the two conspirators at once set about securing control of the Erie Road. To effect this, Fisk and Gould prosecuted Mr. Eldridge, the president, for fraudulently using \$5,000,000 of the Company's money to secure the passage of the bill which had enabled them to increase the stock. Eldridge resigned at last, and Jay Gould became president.

From that time to the present, Fisk and Gould almost owned the road, and the profits were appropriated by them without any reference to the interests or wishes of the unfortunate holders of stock.

But Fisk became more notorious for his "Black Friday" operations than any one of the innumerable schemes he set on foot. A Ring was formed by which absolute control was obtained of all the salable gold in the market, and the consequence was a "corner" in gold on Friday, Sept. 24, 1869. The result was a panic in Wall street, gold suddenly sprang from 142 to 160. Fisk and Gould's agents forcing the

rate by bids, until it was found that the Ring possessed all of the available gold, and intended to hold it for a further advance. Everything seemed in favor of the conspirators, as it was believed that the Government sales of Gold would not relieve the market. The scenes in the Gold-room were extraordinary, for a continuation of the crisis for twenty-four hours meant absolute ruin for all of the small operators, as well as many of the leading firms. While the panic was at its height President Grant ordered the sale of \$5,000,000 of gold coin, and the rate dropped down to its old figure. With characteristic effrontery, Fisk and his confederates repudiated the majority of the engagements made by their agents, and several failures were the result. The conspiracy was an infamous one, and in any other city would probably have led to the imprisonment of the leaders.

Fisk, however, had become identified with the Tammany Ring. Tweed and Sweeney were Erie Directors, and corrupt Judges enabled Fisk to escape the clutches of the law. As an instance of Fisk's dishonest manner of business, it is only necessary to cite his Opera house speculation. When the over-issue of Erie stock gave him control of an immense amount of the shares, he purchased Pike's Opera House for \$820,000 in the name of the Erie Company, but they, not liking the bargain, he assumed the purchase, reimbursing the Company with some of his watered stock. Subsequently the Company leased the upper part of the building at an enormous rent, and Fisk also dabbled in other property, among which is the Fifth Avenue Theatre and Central Park Garden, his old experiences as a showman making him hanker after places of amusement.

XV.

FISK'S INDOMITABLE PLUCK.

VERMONT claims this noted personage as her favorite son. He made his first appearance on the stage of life in the obscure hamlet of Pownal, and not in the world-known Hamlet of Shakespeare. His original character was that of a Green Mountain baby; and he took his milk with much alacrity, and played his part so unctuously, that he immediately became the pet of the establishment, and secured a life engagement on favorable terms, with promises of advancement and increase of rations as his histrionic and gastronomic

genius should develop in strength and ripen in perfection.

Fisk was a happy babe—a chubby, roly-poly little sucker. The phenomena of his existence didn't trouble him a bit, but simply titillated him as a continual joke. How he had come about, or what was his significance in the universe, or what his future destiny was to be, or whether Jay Gould would be born successfully, or Commodore Vanderbilt be saved by faith or compromise, or who was to run the Erie Railroad or populate Long Branch, were questions which had no power to ruffle his infantile serenity of spirit. With that sagacity as to povender which has always distinguished him, and which seems to be inseparable from true military genius, the Colonel in embryo stuck to the lacteal fount as his immediate objective, and laid in copious sustentation for that robust physique which so ably reinforced his mental powers.

Col. Fisk's boyhood was undistinguished, with the single exception of his religious instruction. His mother dying while he was yet an infant, his father remarried, and his step-mother being a God-fearing woman, and faithful to all her duties, brought the motherless boy up in the nurture and admonition of the Lord. She did this wisely and lovingly; and the wayward man, though he strayed far from that straight and narrow path in which she taught him as a boy to walk, was ever ready to acknowledge, and with moistened eyes not unfrequently did acknowledge, the faithfulness of her teaching and the purity of her example.

But our space is limited and our theme is large, and we must plunge at once into that potrión of Col. Fisk's career which impinges on public affairs. First, however, let us indicate his character by foreshadowing it in an illustration which will be readily understood by travelers on Western steamboats and members of Western legislatures, as well as by the Christian public at large.

Col. Fisk's right bower was shrewdness, his left bower was pluck; and his ace of trumps was good-nature; and with the right and left bowers and the ace in his hand, or even in his boot or up his sleeve, a man cannot easily be euchred.

His shrewdness enabled him to comprehend what will most readily appeal to human nature as it is fundamentally constituted on this continent, and not only to penetrate the probable combinations of operators in commerce and finance, but also to foresee what combinations the sweep of events would force upon those operators.

His pluck enabled him to meet the ex-

gencies of any situation, and to carry out a plan once determined upon, with a nerve that never quailed.

His good nature enabled him, without hurting any one's feelings or inciting any one's animosity, to do things which, in a morose or cold-hearted man, would be intolerable.

Thus, with shrewdness to perceive an advantage, with pluck to execute a plan, and with good nature to conciliate opposing elements, he was able to carry out schemes so audacious that to more timid and narrow-minded men they looked like downright recklessness, and their golden fruits the result of sheer luck rather than consummate ability.

In addition to these characteristics, another element of success should be mentioned which distinguished Colonel Fisk throughout his entire career. That element was liberality in expenditure. There was not an iota of miserliness or meanness in him.

"If a man wants to succeed in America," he once said to the writer of this sketch, "let him first get his base all right—that is, let him be sure he is going to do something which the public want to have done, and which will add to the general comfort and convenience—and then let him put all the men on it and all the money in it he can, and the public will pay him back handsomely; but let him scrimp, and play shabby, and try to make the public eat cold victuals, and they'll leave him alone just as sure as a hard-shell Baptist will shun a temperance hotel."

The readers now have a key to Col. Fisk's character and to his success. And when one contemplates his success, it must be remembered that James Fisk, Jr., was born in September, 1835, and was therefore only thirty-six years old when he was murdered—less than half the age of his strenuous rival, Commodore Vanderbilt. Col. Fisk counted his wealth by millions, and was worth ten times more than Commodore Vanderbilt was at the age of thirty-six, and had ten times as many friends as his rival ever had.

Before he came to New York, Mr. Fisk was a junior partner in the firm of Jordan, Marsh & Co. of Boston. Previous to becoming a member of that firm, he was a customer of it, and bought largely of the house to supply small country merchants in northern Massachusetts and New Hampshire and Vermont, to whom he used to job out his goods. His shrewdness, pluck, good nature, and liberality distinguished him in that vocation, as they have in all others. His four-horse turn-out was the

most gorgeous that ever was seen in the New England Valleys, or that ever climbed the roads over New England hills. He spared no expense and shrank at no toil to make it profitable to his customers to trade exclusively with him. His great success and engaging qualities while thus employed, so impressed Jordan & Marsh, that they took him in as partner, and the firm became Jordan, Marsh & Co.

When the war came on, Jordan, Marsh & Co. got heavy Government contracts for soldier's clothing and blankets, and it is admitted to a large degree it was Fisk's energy and tact which enabled them to put the contracts through and distance all competitors. The junior partner's courage was equal to every emergency. He made contracts for the manufacture of clothing for the firm all through New England, and then drove the contracts through with unflagging energy and inexhaustible good nature. He thus got over eight hundred thousand suits of clothes, and blankets without number made for the firm, all of which sold at a handsome profit.

New York offered a theatre of action wide enough for the transcendent powers of this representative Yankee to unfold themselves. He went South in the winter of 1864 and '65 to buy cotton, and as the Confederacy began to weaken under the pressure of Grant and Sherman, he saw the surrender of Lee looming in the distance, and then, taking the whole situation into the account, he conceived one of the greatest financial schemes that ever came from the brain of man. The Confederate bonds were then selling at \$80 on the \$100 in London. Fisk saw that the moment the news of the collapse of the Confederacy should reach that city the bonds would tumble indefinitely; and what prodigious opportunities that might afford.

"If I could only get a man in London a few days ahead of all competitors," he said to himself, "after I *knew* the Confederacy had gone up, what a haul he could make selling those bonds short."

He at once came to New York, took a few other capitalists into his confidence, and unfolded his plans to them; they saw the point, and agreed to furnish all the money that should be necessary in addition to what Fisk had himself, and told him to go ahead.

Mr. Fisk immediately purchased the fastest ocean steamer afloat; manned her with a skillful captain and trustworthy crew; sent her to Halifax, with orders to bank her fires and have steam on ready to shoot from the wharf at a moment's notice; placed on board of her a trusty and capa-

ble agent, from whom the captain was to receive his orders to start, and who was to work the scheme in London; made such arrangements with fifty miles of telegraphic wire that no one could get the news ahead of him, and then awaited the result of the fighting down in Virginia. For thirteen days the fires of that steamer in Halifax were kept banked, with every man at his post, and everything in readiness for instant departure. At last the death-blow of the Confederacy was struck, "Go!" was the word that the lightning hurled at Fisk's agent in Halifax; and away went the steamer, without a soul on board (except the one confidential man) having the slightest inkling of the news which was already beginning to set the western continent ablaze.

There was no Atlantic Cable in those days, and so, fortune favoring, the swift-gliding steamer would arrive at Liverpool a long way ahead of any other craft which could bring the news. Fortune did favor the adventure. The steamer crossed from Halifax in six days and a half, and reached Liverpool five days in advance of the arrival of the first steamer that left New York with the news. What could not have been done in those five days? But, alas! one poor old weak-kneed associate, unbeknown to Fisk, had secretly telegraphed to the agent at Halifax not to go beyond five millions in his London sales of Confederate bonds. This knocked Fisk's gigantic scheme square on the head. The agent sold five millions of bonds short, at the rates then ruling in the London market. Before the day of delivery came about, the news of the fall of Richmond and of Lee's surrender arrived, and the bonds tumbled to twenty-two dollars on the hundred. The London brokers of course paid the difference, (as, for the benefit of readers not familiar with such transactions, we will state is the custom), between the price they had agreed to pay and the actual price at which the bonds were selling on the day of delivery, which difference amounted to over two millions of dollars. The profit on the speculation was therefore a handsome one, after deducting all expenses, but it was a mere drop in the bucket in comparison with what it would have been had the other parties to the enterprise been as sagacious and plucky as Col. Fisk was. His plan was to sell Confederate bonds short, in London, as long as anybody would buy them, and to follow the market clear down to zero. Of course the bonds would never have been called for, and the buyers would have had to pay the differences. Had Fisk not been betrayed, as we have stated, he

would probably have cleaned out London and made five hundred millions of dollars.

When Fisk heard of the trick which had been played him, he was probably the maddest man on the American Continent, with the single exception of Old Hickory Jackson when he heard anything said against the character of his wife.

Col. Fisk's love of fun and his transparent frankness of nature made him one of the most amusing of men. He blurted out the truth in a good-natured, humorous way, without regard to consequences. He put on no airs. He made no pretences. He did not affect knowledge on a subject of which he was ignorant. This trait was amusingly developed when he was solicited to take the Colonelcy of the Ninth Regiment.

"I don't know anything about military matters," he said. "I never went to a general muster in my life. I have made a good deal of money by selling soldiers' uniforms to the Government during the war, and that is all I know about soldiering."

"That makes no difference," replied the committee; "it's all printed in a book, and you can study upon it, at your leisure."

"How big a book will I have to study?" asked the cunning Colonel.

"Oh, not a very large one, and you can work into the routine gradually."

"A colonel has to ride on horseback, doesn't he?" asked the wide-awake Yankee.

"Yes, sometimes—once in a while; but that isn't anything you know."

"It isn't, eh? You can't play that on me. I know all about riding on horseback. I'm like one of our Erie locomotives—I always have a tender behind. I never rode on horseback an hour in my life without having to take my meals from a mantelpiece for three days afterward."

And so he went on, confessing his unfamiliarity with everything appertaining to a Colonelcy, with such frankness and humor as made the officers and men all the more determined to have him for their commander; and they got him. Having been elected to the command of the Ninth Regiment, he at once set about learning the duties, and made such rapid progress that he soon became a proficient. The writer hereof was at Long Branch while the Ninth was recently encamped there, and had opportunities to see Col. Fisk in camp, at drill, and on parade, and can bear testimony to his efficiency and popularity as a regimental commander.

The plain and simple truth of the matter is, James Fisk, Jr., was a man of pro-

digious talent. His perceptive, constructive, and executive powers were all of a high order. If he had ever gone back, in spirit and sincerity of soul, to his mother's knee and his mother's prayers, and allowed the germs of religious truth which, in that old New England home, were early implanted in his heart, to spring up and bear their legitimate fruit, and dominate the tone and color and character of his life, there is no saying to what height of popularity and usefulness he might have risen. We have had many opportunities of seeing closely many great men, and have penetrated the recesses of their characters, and have studied them well; and having this in mind, we do not hesitate to say that we have never known any human being with the single exception of Henry Clay, who could compete in elements of popularity with James Fisk, Jr., if, in addition to his other qualities, he had also been a downright, sincere, pure-hearted Christian man.

Col. Fisk would have been a favorite in the church, and irresistible as a temperance reformer. He would have made a robust Christian and a mellow one. An exhortation to godliness and virtue would have come from his lips with unusualunction. His executive ability would have come into grand and beneficent play in running a revival. He would have been apt to win as much distinction in the army of the Lord as he has won in the militia of the Empire State.

XVI.

THE FIRST DAY OF THE INQUEST.

WHILE the body of Colonel Fisk was on its way to be interred amidst the scenes of his childhood's home, the Court room of the Special Sessions, temporarily set apart for the purpose of convening a coroner's jury to investigate the cause of his death, was crowded with an anxious auditory of some five hundred spectators, eagerly listening to the evidence given in this interesting case.

At three o'clock, the jurors having answered to their names, the prisoner Edward S. Stokes was brought before the coroner and assumed a seat beside his counsel, four of the greatest lawyers in New York, and with three of these men success is an easy word in all their legal undertakings. There was John McKeon, with his white hair and venerable face, ready to jump up and take any advantage

at the start and follow it up with sledge-hammer blows. There was Judge John K. Porter, a man whose name is well-known in all our Courts, and Willard Bartlett, a cool and sagacious as well as successful lawyer and pleader. Besides these was the leading counsel for cross-examination, and young Mr. Bartlett, who will do the clerical work of the of the case.

Three gentlemen sat to the left of the prisoner's counsel whose part in the proceedings did not seem to be clearly understood until John McKeon made them show their hands. These gentlemen were Judge Beach, Judge Fullerton, and Charles S. Spencer. Beach, Fullerton and Spencer, it was said, were appearing secretly to help District Attorney Sullivan, who sat directly under the Coroner, but they did not appear openly on behalf of the prosecution until John McKeon unmasked their batteries, and then he drew their fire immediately. It seems that Beach and Fullerton had been writing out questions on slips of paper to be propounded to the lad Redmond, the first witness summoned for the prosecution, and McKeon in his fiery way demanded from the Coroner that the name of each person sending a question to the Coroner or District Attorney should be appended to the paper as sent up, Coroner Young having already ruled that the prisoner's counsel must put all questions to the witnesses on slips of paper and then that he should decide if they were admissible.

Beach and Fullerton both were forced to "rise and explain," and acknowledge that they had sent up the questions; but District Attorney Sullivan, who was advising the Coroner, refused to answer who had sent him the slips of paper. When Stokes came into court every eye in the room was turned upon him, but he bore the scrutiny with a calm, quiet self-possession that astonished every one. He was fashionably dressed, and his black eyes shown as he calmly surveyed the audience, jury, Coroner, and the lawyers and the reporters as they were huddled together. He wore a light gray overcoat of Irish frieze, and his solitaire diamond blazed with potent effulgence on his shirt bosom. He was escorted to the middle of the bar enclosure and sat down in a chair behind his counsel, without any apparent excitement.

Coroner Young, addressing the jury, said he did not propose to say anything to them in regard to the merits of the case, either one way or the other, nor would he reiterate what he had already told them in the morning when they viewed the body of the late James Fisk, Jr. He would proceed directly with the evidence, and he trusted

they would give the case a careful consideration which it demanded.

Counsel for the prisoner remarked that, without being deemed guilty of any interference, he wished to submit two important considerations before the proceedings were commenced. There seems to be a determination in certain quarters to infuse into the circumstance a murderous spirit.

The Coroner said he did not propose to argue the point.

Counsel observed that he proposed to submit to two regular considerations for the Court before proceeding with the regular testimony.

The Coroner said it was his intention to go on with the evidence. He presumed the jury had been regularly summoned, sworn and viewed the body, and were now present to hear the evidence. He proposed to establish the fact of the death of James Fisk, Jr., and to have the verdict rendered in accordance with the testimony. Of course, he desired the proceedings to be conducted regularly.

Counsel for the prisoner did not deny the regularity of the proceedings. Counsel then proceeded in a determined tone to comment on the antagonistic tone which the press had shown toward the prisoner since the shooting of Mr. Fisk, contending that it was right that the public mind should be relieved of the impression created. Under the circumstances he suggested that the Coroner put before the jury testimony to show the condition of Fisk at the moment he was shot, and he would perceive that the law of 1871 made provision for the introduction of that evidence. It was necessary that the jury should know the condition Mr. Fisk was in from the time he received his injury down to the time of his death. The section to which he referred provided that no person except the Coroner shall wilfully touch, remove or disturb any who shall have died in the manner described in the first section of the act, or wilfully touch, remove or disturb the clothing or any article upon or near the body without an order from the Coroner, and any person convicted of such offence shall be deemed guilty of a misdemeanor and shall be punished by imprisonment of one year or by a fine of \$500, or both. Counsel submitted that it was absolutely necessary that the jury should understand what Mr. Fisk's condition was from the time of the reception of the wounds until his death. The Coroner had a perfect jurisdiction to introduce that testimony.

The Coroner said he was there in the discharge of his duty and he would perform

it conscientiously, and he would produce all the witnesses that could throw any light upon the case.

The little preliminary blank-cartridge firing from the prisoner's counsel lasted for some minutes, and matters having been arranged the inquest was begun.

John T. Redmond was the first witness examined. In reply to Coroner Young, he testified as follows:

Q. Where do you live? A. At No. 62 Tenth avenue.

Q. What is your business? A. Hall boy at the Grand Central Hotel.

Q. Were you at the Grand Central Hotel on Saturday last? A. I was, sir.

Q. What were you doing? A. Cleaning the window.

Q. What window? A. The window of the private door.

Q. About what time was that. A. About 4 o'clock.

Q. Now tell the jury what took place at that time. A. About 4 o'clock Mr. Stokes entered: about ten minutes afterwards Mr. Fisk in a carriage drove up to the door; I opened the door for him; he then spoke to me and asked me if Mrs. Morse was in; I told him Mrs. Morse and her eldest daughter were out; he then asked if the other daughter was in; I said I would see; Mr. Fisk then ascended in advance of me; when he had gone up some steps, the first shot was fired, and Mr. Fisk fell down, crying, "Oh!" he then turned round to go up again, when the second shot was fired.

Q. He asked you if Mrs. Morse was in? A. Yes, sir.

Q. He then asked if the other daughters were in? A. Yes, sir.

Q. Did you go up stairs? A. Yes, sir; Mr. Fisk was in advance of me; after the first shot he fell down, crying, "Oh!"

Q. When Mr. Fisk fell down what did he do? A. He got up on his feet.

Q. And after the second shot? A. He fell down about six steps.

Q. What did Mr. Fisk do then? A. He got up and walked to the base of the stairs; he turned round and looked up the stairs to see if Mr. Stokes was there or not; he was not, and Mr. Fisk walked up the stairs, and then some ladies were led into the reception room by some gentlemen.

Q. Well? A. I saw no more of the parties until Mr. Stokes was recognized by Mr. Fisk.

Q. Where was this? A. Room No. 213, Grand Central Hotel.

Q. Were you present when he recognized him? A. I was, sir.

Q. You say you looked up and saw Mr. Stokes? A. Yes, sir.

Q. At what time? A. After the first shot was fired.

Q. Where was Mr. Stokes standing? A. At the head of the stairs, with his left arm on the balustrade.

Q. Did you notice whether Mr. Stokes had anything in his hand? A. He had something in his hand.

Q. Did you notice what it was? A. No, sir.

Q. Did you hear any words? A. No, sir; there were no words between them.

Q. You heard no words between any one? A. No, sir.

Q. Have you told us all you know about it? A. Yes, sir; all that I know.

Q. How long was it before Colonel Fisk came that Mr. Stokes arrived? A. Inside of ten minutes.

Q. Did Mr. Stokes go immediately up stairs? A. Yes, sir.

Q. Did he ask any questions as he came in? A. No, sir; not a word.

Q. Your say that Mr. Fisk looked up the stairs to see if Mr. Stokes was there? A. I did not say that, sir; I looked up the stairs to see if Mr. Stokes was there.

Counsel for the prisoner inquired whether he could not put questions to the witness?

The Coroner stated that all questions so submitted should be put in writing.

Counsel said he had no time to write the questions.

The Coroner remarked that he did not like to be discourteous to the counsel engaged either on the one side or the other. He did not recognize any one on either side. He desired to proceed in this case and to take the testimony in an impartial manner, and would leave the future question to come before the proper tribunal. Exact justice should be given to all.

Counsel contended that questions could be put, and that the Coroner had discretion to receive or reject them.

The Coroner said the reasons he wanted the questions in writing was that they should not be made public by being openly asked in court, as many of such questions might not be entertained. He desired to proceed regularly.

Counsel submitted that it was most important that the public should know what questions were allowed and what were disallowed, in order to restrain the spirit which seemed to have taken possession of the community. They had a right to know whether the examination was conducted as free from spirit of restraint as it should be.

Counsel then submitted the following questions in writings:

Q. Have you ever seen Mr. Stokes before? A. No, sir.

Q. How was Mr. Stokes dressed on that occasion? A. Dressed as he is now.

The Coroner—Is Mr. Stokes in court?

Counsel for the prisoner—He is right here, sir.

Q. You say that this occurrence took place at four o'clock; how do you fix the hour? A. It was twenty minutes past three when I commenced cleaning the windows and it was twenty-five or thirty minutes of four when Mr. Stokes came in.

Q. Was there any light in the hall or on the stairway except that from the windows? A. There was one light at the head of the stairs and one on the left.

Counsel for the prisoner—Were they burning?

The Coroner—It must have been burning or it could not have been a light.

Counsel for prisoner—I meant in reference to the gas fixtures, and so forth.

Q. From what direction did Stokes come up or down the stairway? A. I don't know, sir.

Q. You did not see him until he entered the hall? A. No, sir.

Q. Did you notice whether any person had gone up the stairway between the time Fisk and Stokes came? A. No, sir; I didn't notice.

Q. Did Mr. Stokes go in by the private entrance? A. Yes, sir.

Q. Did he ask you any questions? A. No, sir.

By a Juror—Q. How many shots were fired? A. Two.

Q. No more? A. No, sir.

Q. Did you hear the shot fired before you heard Mr. Fisk exclaim? A. The first shot was fired, and after I looked up stairs.

Q. Where was Mr. Stokes? A. At the head of the stairs.

Q. In what position was he? A. He was standing near the balustrade, like this. [Witness showed by comparison in what position the accused stood at the time referred to.] He had his left hand on the balustrade.

Q. You observed something in his hand? A. Yes, sir.

Q. When was that? A. After the first shot was fired and before he fired the second shot.

Q. You saw something in his hand? A. Yes, sir.

Q. Can you tell what he had in his hand? A. No, sir.

Q. Did you see any light proceed from the article Mr. Stokes had in his hand? A. Yes, sir.

Q. You say you were present when Mr. Fisk recognized Mr. Stokes? A. Yes, sir.

Q. What was said? A. The officer said,

"Who caused this?" and Mr. Fisk said, "Mr. Stokes."

Q. Is that all he asked? A. That's all that was asked in my presence.

Another Juror—Was there any other person standing at the head of the stairway? A. No, sir.

By Mr. Field—Did any person come in between the time Stokes entered and Fisk entered? No, sir.

The Coroner—Was it the same person who entered the hotel that stood at the head of the stairs? A. Yes, sir.

Q. You recognized him as the same person? A. Yes, sir.

Q. How long was it before any person came to the rescue? A. I cannot say.

Q. Did you see any one? A. I saw several gentlemen going into the reception room.

Q. Who were those gentlemen? A. I don't know.

Q. Were they in Mr. Fisk's room afterwards? A. They brought him into the reception room.

Q. After the first shot was fired you say you saw Stokes leaning upon the balustrade. In what position was his arm having something in the hand? A. He was like this (witness showing position), with the right hand down.

Q. Was he pointing it towards Mr. Fisk? A. Yes, sir.

Q. After Mr. Fisk was shot, who assisted him to his room? A. I don't know.

Q. You didn't hear Mr. Fisk say that Mr. Stokes was the man who shot him? A. No, sir; he only said "That's the man."

Q. Were you in the room when Stokes was brought in? A. Yes, sir.

Q. Were you in the room all the time Mr. Stokes was there? A. No, sir.

Q. Then Mr. Stokes was still there when you left? A. Yes, sir.

Q. Did you recognize the persons who came to the rescue of Mr. Fisk and carried him away? A. No, sir.

Q. How long were you in the room? A. About half a minute; Mr. Crawford called me, saying he wanted me, but he did not say what he wanted me for when I went into the room.

Mr. McKeon here rose and contended that, if questions were submitted to witnesses it was right that the persons asking them should be known, that the proper responsibility should attach to them, if they were Erie Railroad people, let them come on.

The Coroner submitted that he did not recognize the Erie Railroad people in the case. He did not know but the question had been asked by the counsel for the prisoner.

The counsel for the prisoner said that his question in reference to the gaslight had been put in an unintelligible manner.

The Coroner quietly remarked that he intended to do his duty and disclaimed any intention to be discorteous. If he had given the question submitted by counsel in an unintelligible manner, he would put it again, as follows:—

Q. Was there any light in the hall stairway, except what daylight there was? A. There was a gaslight.

Mr. McKeon insisted that it was proper to know what parties were represented. He would therefore ask on whose behalf Mr. Beach, Mr. Fullerton, and Mr. Spencer appeared.

Assistant District-Attorney Sullivan said he did not intend to say anything as representing the District-Attorney except when called upon by the Court to give advice. If there were any citizens who felt that, this being a public matter, they could throw any light on the investigation, they were certainly at liberty to do so.

Mr. McKeon said he would ask the Coroner whom Mr. Beach represented.

The Coroner said he would put the question in accordance with the requisition.

Mr. Beach said that, like the counsel for the prisoner, he appeared there as a citizen deeply interested in the question. He came there at the suggestion of the surviving relatives of Mr. Fisk—not retained by the Erie Railroad. He came there influenced only by the desire to see the way in which the melancholy occurrence took place.

Counsel for the prisoner replied, and said that once for all he wanted to have his position understood. He had come there not to get up a heat, but to prevent heat getting up. They had only to look at the press of that morning. The public had not got the truth of the case. He did not want the facts to go before the public in a garbled form. They were told in the papers that before thirty days Mr. Stokes would be condemned. Now, he meant to say, and he said it on his own responsibility, knowing what he was saying that if the facts were properly developed in less than thirty days the public would be strongly in Stokes' favor! If the facts were properly spread the sympathy for him would be as great as the feeling was now against him.

Mr. Fullerton said he intended to remain silent. The question put was suggested by himself, in order to elicit the truth of the case. In due time it would appear to be proper.

Mr. McKeon concurred in the opinion that the public would be as much in favor of Stokes as their feelings were now

against him. The people little knew what had been existing in their midst.

After some further discussion as to the responsibility of those who should put questions the examination was resumed.

By the Coroner—Had you ever seen Mr. Fisk before that day? A. Yes, sir.

Q. You knew him when you saw him? A. Yes, sir.

Q. (Submitted). Will you say no person passed up or down the stairway between the entrance of Mr. Stokes and Mr. Fisk? A. There was nobody.

Q. Can you describe the gaslight you saw burning, if any? A. The gaslight at the head of the stairs had a single jet; it was turned on full, the other one round to the left was not turned on full, but it was burning; that's all the gas that was there.

Q. What colored pantaloons had Mr. Stokes on? A. Light.

Q. From which way did Mr. Fisk come—which way were the horses heading? A. Toward Bleecker street.

By a Juror—As the gas was situated could the burner be seen from the head of the stairs? A. Yes, sir.

Q. The object of that light is to light the stairway? A. Yes, sir.

Testimony of Thomas Hart—Q. Where do you reside? A. Grand Central Hotel.

Q. What is your business? A. Door boy.

Q. Were you at the Grand Central Hotel on Saturday afternoon? A. Yes, sir.

Q. Did you notice anything unusual on Saturday afternoon? A. Yes, sir.

Q. About what hour? A. Five minutes to four o'clock.

Q. What were you doing at that time? A. Cleaning the Globe at the head of the stairs.

A Juror—Which stairs? A. The private stairs.

By the Coroner—How far from the head of the stairs? A. Between five and six feet.

Q. Did you see Mr. Fisk on that day? A. Yes, sir.

Q. Where was he? A. He was coming up the stairs.

Q. What stairs? A. The private stairs.

Q. Where did those stairs lead? A. To the stairway from Broadway.

Q. Leading to the stairway on which you were standing? A. Yes, sir.

Q. Was anybody with him? A. I did not see anybody.

Q. Did you hear him say anything? A. No, sir.

Q. Did you see anybody else there? A. Yes, sir.

Q. Who? A. Mr. Stokes.

Q. Were you acquainted with Colonel Fisk? A. Yes, sir; I saw him coming in and out.

Q. Were you acquainted with Mr. Stokes? A. No, sir; I might have seen him passing by.

Q. Where did you see Mr. Stokes? A. Coming along the hall from the first parlor.

A Juror—First parlor to the right or to the left as you go up? A. To the left.

By the Coroner—Was there anybody with Mr. Stokes? A. No, sir.

Q. Was Mr. Fisk going up stairs? A. When I first saw Mr. Fisk he was going down to the foot of the stairs.

Q. Tell us exactly what occurred—what you saw and what you heard. A. I was going up the stairs, the other boy was cleaning the window; I looked down and saw Mr. Fisk coming up, my attention was drawn to Mr. Stokes a kind of stealing along; he acted like a man who had suddenly seen some one; I heard him say, "Come along, I have got you now," or something to that effect.

Q. Can you remember the exact words? A. "I have got you now," and with that he fired two pistol shots; at that time Mr. Fisk was standing with one foot on the first step and one on the second; Mr. Fisk cried, "oh, don't!" and the second time he slid down stairs; I saw Mr. Stokes draw his right hand towards his overcoat; Mr. Stokes afterwards said to me, "there's a man shot," and said I, "You are the man that shot him;" he walked to the first parlor and turned to his left and made a motion with his hand as if he was throwing something away; I cannot say what it was; I followed him and he went into the hall, and going up the centre he said, "There's somebody shot, go and see him;" Patrick McGowan, Benjamin and Patrick Farrell came up; Mr. Powers afterwards came into the hall, and having heard that there was a man shot, said, "Stop that man," Mr. Stokes was then taken to the bar; Mr. Powers said, "Bring in an officer;" that is all I saw or know of the case; Mr. Stokes went up stairs with an officer and was identified.

Q. Were you in the room at the time? A. No, sir; I was not.

Q. Had you seen Mr. Fisk at the hotel before? A. Yes, sir; I saw him several times.

Q. Had you seen Mr. Stokes before? A. Yes, sir.

Q. Are you positive you cannot mistake as to the two gentlemen, Mr. Fisk and Mr. Stokes? A. Yes, sir; I am positive.

Q. In what position was Stokes standing? A. Standing at the head of the stairs.

Q. He had something in his right hand? A. Yes, sir; but I cannot say what it was. Witness endeavored to show the position in which Mr. Stokes stood at the head of the stairs.

A Juror (Mr. Field). What was your relative position to Mr. Stokes? A. I was about six feet beyond Mr. Stokes.

Another Juror (Mr. Clews). Were you standing with your back to him? A. Looking right at him.

Mr. Field. How much time elapsed between the first shot and the time you saw Mr. Stokes concealing something in his overcoat? A. About three seconds.

Q. The two shots were then fired without any interval? A. Yes.

By another Juror. Did you see the flash from the pistol? A. I did not.

Q. Were there banisters on both side of the stairs? A. Yes, sir.

Q. Could you see the carriage driving up from the parlor window? A. Yes, sir.

Mr. Field. Had you passed the parlor door before Mr. Stokes came up? A. I had not, sir.

Another Juror. Did you assist Mr. Fisk when he got to the head of the stairs? A. No, sir; I followed Mr. Stokes.

Q. Did Mr. Stokes have his overcoat buttoned at the time? A. No, sir.

Q. Was there sufficient gaslight to recognize a person? A. Yes.

Q. How was the gaslight then? A. It was not fully turned on.

Q. Does that light throw light upon the stairway? A. Yes, sir.

Q. Was the light sufficiently bright to recognize a person by his dress? A. Yes, sir.

By the Coroner. Are you sure it was five minutes to 4 o'clock when Mr. Fisk entered? A. Yes, sir.

By a Juror. How did Mr. Stokes move, did you say? A. He came along as if he was stealing away; as if somebody was coming.

Q. Did you judge that by his expression or by his walk? A. By his walk.

By another Juror. Did you keep watch on him after he was arrested? A. Yes, sir.

Q. Was he walking rapidly or was he walking stealthily? A. He was stealing along by the wall.

By the Coroner—Had you seen Mr. Stokes that evening before you saw him coming up then? A. No, sir.

Q. Have you had any conversation with him in regard to the testimony you were to give about it? A. No, sir.

Mr. Field—Have you been interviewed by any reporters? No, sir. I gave the same testimony at the Fifteenth precinct

on the ante-mortem examination as I give here.

By the Coroner—Have any of the three gentlemen here, Mr. Fullerton, Mr. Spencer or Mr. Beach, had any conversation with you in regard to the testimony? A. No, sir; they have not had.

Q. How far were you from Mr. Stokes when each shot was fired? A. Between five and six feet.

Q. What time of the day was it? A. About five minutes to four.

Q. How do you time the hour? A. By looking down stairs and seeing the clock there.

Q. You don't know whether Mr. Stokes had a cane or not? A. I did not see, sir.

Q. Do you know a man named Patrick Hart? A. Yes, sir.

Q. What was his business? A. He was working in the house, in the employ of the Grand Central Hotel.

Q. Did you see him there at the time of the occurrence? A. No, sir; I did not.

Q. Do you know Mr. Spencer? A. No, sir.

Q. Mr. Fullerton? A. No, sir.

Q. Mr. Beach? A. Yes, sir; I know Mr. Beach; I saw him in Troy.

Q. Has he conversed with you about this affair? A. No, sir; nobody has conversed with me.

Q. Could you have failed to see a cane if Mr. Stokes had one? A. He might have carried it in his left hand; but I watched his right.

By Mr. Opdyke—Fisk and Stokes were the only persons there? A. Yes, sir, except the boy.

By another Juror—You say you only watched his right hand. Did you suspect there was something wrong by his walk? A. Yes, sir.

Q. By the Coroner—Have you ever seen Fisk and Stokes together before? No, sir.

Q. Did you hear any words between Stokes and Fisk? A. No, sir.

By a Juror—When he was going to the head of the stairs he made the remark you mentioned? A. Yes, sir.

By the Coroner—Could he see any person on the stairs when he began to use those words? A. Yes, sir.

Q. Did you see any one on the stairs? A. Nobody but the boy and Mr. Fisk.

Q. Did Stokes make any other remark? A. No; he did not make any remark until Mr. Fisk was ascending.

Q. How far was Mr. Fisk from Mr. Stokes at the time he made the remark? A. About six steps.

By a Juror—How many steps are there? A. About twenty.

Q Then there is a landing! A. Yes, sir.

Q. And he was six steps from the first landing. A. Yes sir.

Q. In what position was Mr. Stokes. A. He kept close to the wall.

Q. How many steps separated them when you heard the first pistol shot. A. About four.

By another Juror—Did you notice him fall. A. I saw him stagger.

By the Coroner—I understood you to say you expected something wrong when you saw Stokes advancing. If you suspecting something wrong why did you not give the alarm. A. I don't know exactly; I thought Mr. Stokes was watching for a lady when I saw him stealing along.

By a Juror—Did Mr. Stokes walk right up the stairs, or was he crouching along. A. He was walking along the wall.

Q. How many shots were fired! A. Only two.

Q. That you are sure of! A. Yes, sir.

Q. Are you positive Mr. Fisk entered the passage way before Stokes reached the head of the stairs! A. Yes, sir.

Q. By the time he had his head turned around had Mr. Fisk already entered. A. Yes, sir.

By the Coroner—Do you know that you would be guilty if you did not give the alarm in case you suspected anything wrong! A. No, sir; I did not.

Q. Has Mr. Beach been present at any time when you have made any statement in reference to this occurrence! A. No, sir; I have not seen Mr. Beach before I have seen him here.

Q. How many could you count after Mr. Stokes reached the head of the stairs before he fired? A. About twelve or thirteen.

By a Juror—You made no effort to seize Mr. Stokes after he fired? A. No, I thought to catch him, but he went away too quickly.

By another Juror—You kept him in view all the time? A. Yes, sir.

Testimony of John Chamberlain—Q. Where do you reside? A. No. 8 West Twenty-fifth street.

Q. What is your business? A. A speculator.

Q. Were you acquainted with Colonel Fisk? A. I was, sir.

Q. Did you see him on last Sunday evening? A. Yes, sir.

Q. Where did you see him? A. In the Erie Railway office.

Q. At what time did you see him? A. I went there at two o'clock and remained there until between three and half-past three; that's about the time; it was not later than that.

Q. Did you leave him at the Erie office! A. Yes, sir.

Q. Are you acquainted with Mr. Stokes! A. Yes, sir.

Q. Did you see Mr. Stokes on that day! A. I did, sir.

Q. Where did you see him! A. I saw him between three and half-past three, as I drove across Eighth avenue; just as I crossed the track I saw him sitting on the right, in a coupe, with his eyes looking toward the Erie building.

Q. At what time! A. Near half-past three.

Q. Did you see Mr. Stokes after, that day! A. No, sir.

Q. Did you see Mr. Fisk! A. Yes; I saw him when he was dead.

Q. Where was the coupe of Mr. Stokes! A. He was driving towards the Opera House; I was going the other way; he got so far that he could see the windows of the Erie office; he was sitting close to the right hand corner; I don't think he saw me.

Q. By a Juror.—Was the carriage in motion! A. Yes, sir.

By the Coroner—Where! A. On Eighth avenue and Twenty-third street.

Q. Do you know anything of the occurrence that took place at the Grand Central! A. On my way down I stopped at a store, and I think about five or a quarter-past five I heard of the occurrence; I didn't think it was probable, having seen Mr. Fisk so recently before.

Q. How long after you saw Mr. Stokes was it until you heard it! A. About an hour or an hour and a half.

Q. Was Mr. Fisk's carriage in front of the building when you left! A. I did not look.

Q. Did Mr. Fisk say anything to you about being threatened! A. No.

Q. Do you know of any appointment he had to come down to the Grand Central! A. I do not; when I was at the Erie office somebody called me into Mr. Gould's room; I stayed there ten or fifteen minutes; I did not see the Colonel in his office after that; when I came down Broadway somebody told me that Col. Fisk's carriage had gone down.

Q. Was Mr. Stokes in a private coupe! A. I think it was a public coupe.

Q. Did you notice how he was dressed. A. He had a light overcoat on.

By a Juror—Did you ever hear Stokes express himself against Fisk. A. No, sir, I don't think I have.

By Mr. Field—Do you know whether Mr. Fisk was going armed. A. I don't know; I have never known him to be armed.

Q. Did you know that Mr. Stokes was in the habit of carrying a pistol. A. I think he was.

Q. Did you ever see him in the possession of a pistol. A. I cannot say positively.

Q. What was your reason for saying that he carried a pistol! A. Only hearing people talking about it.

Q. Has any person ever communicated to you any threats made by Stokes against Fisk? A. No, sir.

By the Coroner—Did you notice where Stokes' coupe went! A. I did not look around, but just as he passed I saw him in the coupe; he was not looking toward me.

Q. Give the time you saw Stokes, as near as possible. A. It was not half-past 3, but it was after 3 o'clock.

Q. Can you tell where Mrs. Mansfield's house is in that street! A. Yes, sir.

Q. How near the place was that when you saw Mr. Stokes! A. About half a block.

Q. How long have you been acquainted with Mr. Stokes! A. I have known him five or six years, I should judge.

Q. Was Mr. Stokes' coupe going in the direction of Mrs. Mansfield's house? A. It was.

Testimony of Benjamin Allen—(Benjamin Allen examined). Where do you live! A. No. 12 Fourth avenue.

Q. What is your business! A. I drive a stage for S. R. McClellan.

Q. Were you at the Grand Central Hotel on Saturday evening! A. Yes, sir; I was there between 3 and half-past 3.

Q. Do you know of any unusual occurrence having taken place? A. I do, sir.

Q. Then tell the jury all you know about it. A. I was sitting on the porter's bench; two shots were fired, and some of the porters ran up stairs; some people said "Get a doctor, there's a man shot up stairs;" I heard a halloing, "Stop that man;" I went through the reading-room and after the man, who went towards the telegraph office; I went to the man saying, "Here, they want you;" he turned right round; he did not say a word; Mr. Powers came up when a crowd gathered round and asked him where the pistol was; the gentleman never said a word; we sat him down on the seat and were holding him when he said, pleasantly, "Let me go and I'll sit still;" so we let him go, and in a minute or two a policeman took him up stairs; I didn't see any more of it.

Q. Do you see him here now? A. Yes, sir.

Q. Point him out. The witness pointed to Mr. Stokes.

Q. Had he anything in his hand! A.

He had a cane in his hand; he never said a word to anybody.

By a Juror—When he passed out toward the barber-shop was he running or walking! A. He was walking as if he wanted to go and didn't seem lazy about it.

Q. Was the cane long enough to be used as a walking-stick! A. There was no head on it, but it was long enough.

Q. Did you ever see this gentleman before! A. Never laid my eyes on him before.

Witness then gave evidence as to the time of the occurrence, stating that he judged the hour by the time he was going to leave, which was about 4 o'clock.

Testimony of Patrick McGowan.—Patrick McGowan, in reply to the Coroner, testified that he resided at the Grand Central Hotel, where he was employed as engineer. On Saturday evening last I was down in the engine-room, when Mr. Powers rang, and I came up; I walked across toward the office, when I heard the boy say, "You are the man that shot him;" I ran for the man; he was in the reading room; Mr. Allen and Mr. Powers brought him down as far as the office; I went for an officer, but returned, stating that I could not find one; Mr. Powers said, "There's one passing;" I went out and told the officer to come in, and he did so; that's all I know about it; witness did not hear the firing; he did not see Colonel Fisk till next day; Hart was the boy that pointed the man out; witness was about forty feet from the engine room at the time the shots were fired; it was about five minutes to four o'clock.

Testimony of the Hackman—Lawrence Corr examined—I live at No. 322 East Thirty-sixth street.

Q. What is your business? A. I am a public hackman.

Q. Were you driving your coupe last Saturday? A. Yes, sir.

Q. Are you acquainted with Mr. Stokes? A. No, sir.

Q. Do you remember having a fare during that day that wanted to go to the Grand Central Hotel? A. I remember driving to the Hoffman House.

Q. Did you take Mr. Stokes there? A. Yes, sir.

Q. Would you know that gentleman if you should see him? A. Yes, sir. (Witness here identified the accused.)

Q. How long did he remain at the Hoffman House? A. About ten minutes.

Q. Where did you go again? A. Down Twenty-third street, between Eighth and Ninth avenues.

Q. Do you know what house? A. I do not know, sir.

Q. Do you know what number? A. No, sir; I do not, sir.

Q. When you went down Twenty-third street, between Eighth and Ninth avenues, did you leave him there? A. No, sir.

Q. How long did you wait for him at any time? A. I did not wait for him any time; I turned around, drove down Seventh avenue, Fourteenth street into Fifth avenue, to Fourth street and to Broadway, and let the gentleman out.

By a Juror—What time did you let him out? A. To the best of my knowledge about 4 o'clock.

Q. Did you notice where he went to? A. He went up Broadway.

By the Coroner—Did he make any remark to you that he wanted to go to the Grand Central? I turned around and drove towards the Grand Central.

By a Juror—How could you stop at the corner of Fourth avenue and Broadway unless he told you? A. He rapped at the window, got out, paid me, and walked away.

Q. In which direction? A. Up Broadway.

Q. Has he ever engaged you before? A. Yes; I drove the gentleman on several occasions.

By Mr. Field—When he told you between Eight and Ninth avenues did he direct you to go to some particular number, or did he only tell you between Eight and Ninth avenues? A. I drove him to some number between Eight and Ninth avenues.

Q. Did you stop on the way? A. Yes, sir.

Q. Did you go to the house? A. I did, sir.

Q. Did you pass the Erie Building? A. Yes, sir.

Q. Did you stop there? A. No, sir; the gentleman did not leave the coupe.

Q. Did you stop anywhere before you got to Fourth street and Broadway? A. No, sir.

Q. At the house did any person come out? A. No, sir.

Q. There was no communication between the house and the coupe? A. No, sir.

Q. Was there any person in the coupe with Mr. Stokes? A. No, sir.

Q. Did he seem excited when he got into the coupe? A. No, sir; not very much excited.

Q. What did he say when he got out of the coupe? A. He said nothing.

Q. Did he ask what the price was? A. No, sir; he handed me my fare and went in an opposite direction.

Q. You saw Mr. Stokes going in the direction opposite to the way you were going; where was that from? A. The south-west side of Broadway.

Q. Did you notice whether he had a cane? A. He had.

By a Juror—Did you observe any peculiar excitement in his manner when he got into the coupe and when he left it? A. No, sir.

Q. What time was it when he first engaged you? A. About three o'clock.

Q. Where did he engage you? A. Opposite the City Hall; I was standing among the other coaches.

Q. How do you fix the time that you left him at the corner of Broadway and Fourth street? A. It was twenty-five minutes past three o'clock when going past the Hoffman House.

Q. How long did you stop at Twenty-third street? A. Not two minutes.

Q. Did you see Colonel Fisk or his carriage while driving Mr. Stokes? A. No, sir; I knew Mr. Fisk, but I don't know his carriage. Witness then went on to testify that while driving towards Fourth street and Broadway there was no carriage ahead of him; after he left the coupe he walked up Broadway at his usual gait.

Q. Was Mr. Stokes' manner more than usually excited? A. He looked as if he was a bit put out.

Q. How long have you been in the habit of driving Mr. Stokes? A. I don't know; about twelve months.

Q. Have you ever driven him to Twenty-third street before? A. No, sir.

Q. Have you ever driven him to the Grand Central before? A. No, sir.

By the Coroner—I did not see Mr. Stokes make a movement as though he wanted to get out.

By a Juror—Did you stop in front of the Erie Railway office? A. No, sir.

Mr. David Dows, one of the jurors, here inquired whether they had assembled to try the case or hear the evidence. If they continued to proceed in that manner they would not get through until to-morrow morning. He wanted to know if they were trying the case or hearing the evidence. The Coroner stated that the jury had been empanelled to hear the evidence and to determine the manner in which Col. Fisk came by his death.

Witness again stated that he did not remember the number of the house in Twenty-third street.

The counsel for the defence, at the conclusion of Corr's testimony, stated that he hoped that no restraint would be placed upon the prisoner's counsel in eliciting testimony for this case, as there was a murderous spirit abroad in the public mind that would have to be put down by calm reason and a desire on the behalf of the

administrators of the law to see justice done to all persons in this unfortunate affair. The Coroner then adjourned the inquest until three o'clock the next afternoon.

XVII.

THE SECOND DAY.

THE hearing of the evidence in the case of James Fisk, Jr., deceased, was resumed on the afternoon of January 9th in the Court of Special Sessions. The room was crowded to excess and the interest in the proceedings seemed unabated. The same counsel engaged on the previous day were in attendance. Owing to the absence of some of the jurors the hearing was considerably delayed, and the Assistant District Attorney suggested the propriety of sending an officer after the absentees.

All the jurors having taken their seats the following evidence was adduced:—

Patrick Hart examined:—Q. What is your business? A. Hall boy, sir.

Q. Were you at the Grand Central Hotel on Saturday afternoon? A. Yes, sir.

Q. Do you know of any unusual occurrence that took place? A. No; I have no idea; I didn't hear anything but a noise; I heard no report.

Q. Did anything happen there that evening? A. Yes, sir—the death of Mr. Fisk; that's all I know.

Q. Now, tell us all you know? A. I know nothing at all about it; I heard a hollering, and took a man up stairs; he was asking somebody to come to his aid.

Q. What time was that? A. Five minutes to four o'clock.

Q. Where did you find Mr. Fisk? A. Standing right by the door.

Q. At the foot of the stairs? A. Yes, sir; standing right up.

Q. Did any one send you to him? A. No, sir; I heard the noise; I heard a man hollering who wanted somebody to go to him.

Q. What happened next? A. He wanted somebody to relieve him; I don't know what the matter was.

Q. Did you help him up? A. I took him up to the reception room; he walked right up with me.

Q. Did he say anything? A. He said he felt bad; I took him up stairs and left him in the room; that's all I know.

Q. Did you ask him what was the matter? A. I didn't have time; he said he had been shot twice.

Q. Did he say who shot him? A. No, sir.

Q. When you took him up stairs what did you do? A. I left him sitting in the reception room.

Q. Did you go out immediately? A. Yes, sir, right away.

Q. What was your business in that part of the hall? I was going up stairs when I heard the noise; I looked down at the head of the stairs and saw him standing there.

Q. You know nothing more of this affair? A. Nothing more than that I kept out of the crowd; I picked up a ball and gave it to Mr. Crocker.

What kind of a ball? A. A cartdridge ball.

Q. Do you think you could recognize that ball? A. Yes, sir; I guess I could.

Q. Is that like the ball (produced)? A. Yes—no—no, sir; it don't seem to be it.

Q. You are not positive that that is the ball? A. No, sir.

Q. After you picked up the ball what did you do with it? A. I handed it to Mr. Crocker; I never noticed the ball after I picked it up.

Q. Did you tell him where you found it? A. Yes, sir.

Q. Did you see Colonel Fisk from the time you left him in the reception room up to the time of his death? A. I never saw him since.

Q. Did you know Colonel Fisk? A. Yes; it was easy to know him; I have seen him several times.

Q. Was he a visitor at the hotel? A. Yes, sir; I saw him out with the regiment.

Q. Are you acquainted with Mr. Stokes? A. No, sir; I never saw the man in all my life.

Q. And you would not know him if you saw him? A. No, sir.

By Mr. Fields—What stairs were you coming up at the time? A. I came up from the office in the middle stairway; I was passing by the hall when I heard the hollering.

Q. Where had you been three or four minutes preceding the time you started to go up? A. I came right up; I was not a minute.

Q. But where had you been preceding the time you went up? A. I was in the office; I had just come from delivering a message, and that's all I know.

Q. Did you examine the ball immediately? A. No, sir; I hadn't time, there was so much excitement.

Q. What makes you think it was the ball? A. I don't know.

Q. Then you don't know whether it was the ball or not? A. Yes, exactly.

Q. What was your reason for saying you didn't think it was the ball? A. Because I didn't take any notice of it.

Q. You mean to say you know nothing about it? A. I don't know anything about it.

By the Coroner—That's all you know about the ball that was picked up on the stairs? A. I picked it up and gave it to Mr. Crocker.

Q. When did you see Mr. Fisk previous to Saturday last? A. I haven't seen him for some time.

Q. Cannot you remember when you saw him before last Saturday? A. I saw him the night of the reception at the Grand Central Hotel, and not since.

Q. How long ago is that? A. Twenty-fifth of last March.

Q. Who did you see? Who was on the stairway when Mr. Fisk called for assistance? A. No one that I knew of.

Q. Describe the reception-room. A. No. 217, a little way up the stairway.

Q. Did you see any pistol in it? A. No, sir; I saw nothing at all there.

Q. Did you hear that one had been found there? A. No, sir; I heard nothing about it.

By Mr. Field—Did you see a pistol in the first parlor? A. No, sir.

By Mr. Clews—Who was in the reception-room when you brought Mr. Fisk there? A. There was a crowd around there.

Q. Where did they come from? A. They came out of the hall.

Q. Were they boarders? A. I cannot tell you; I cannot say anything about it; visitors, I suppose.

Q. How many were there? A. I cannot tell.

Q. Was there more than one? A. Well, I don't know; there was a crowd there.

By the Coroner—How many do you think were there? A. I don't know.

Q. Were there six persons? A. Of course, there was; the excitement caused more than that many to be there.

Q. Was there a dozen persons there? A. I don't know; I believe there was excitement enough to cause that many to be there.

By Mr. Clews—Would you recognize any one that was there? A. I knew Mr. Haskins; he spoke to me and sent me to the hall to get a key.

Q. Who is Mr. Haskins? A. Book-keeper in the house.

Q. Did you leave Mr. Fisk with Mr. Haskins? A. No, sir.

Q. Who then? A. I cannot tell you; I left him on the sofa.

Q. You could not have left him alone? A. There was a crowd around him; he didn't talk to me; I tell you they were all strangers to me.

By the Coroner—Was there a great deal of excitement in the hotel at the time? A. Not at the time.

Q. Well, how long afterwards? A. About half an hour.

Q. How long have you been employed in the hotel? A. Since it opened.

Q. Since October? A. It was opened in August, I guess.

Q. Is that all? A. I don't know any more.

By Mr. Clews—Did Mr. Fisk make any remark in the reception-room? A. He made the remark that he was shot.

Q. Did he say so to you? A. No, sir; he mentioned nobody's name.

Q. What did he say to you, or did he address his remark to any one present? A. Mr. Haskins was by.

Q. Did anybody speak to him? A. The crowd asked him what the matter was.

By the Coroner—Did he mention where he was shot? A. He said he had been shot twice, and pointed to the wounds. Witness pointed to his abdomen.

By Mr. Clews—That's all he said? A. I didn't hear him say anything more.

By Mr. Clews—Did anybody ask Mr. Fisk who had shot him? A. No, sir.

By the Coroner—Did anybody speak to him? A. I told you twice they did.

Q. What did they say? A. He said he had been shot twice, and pointed to the places.

Q. Are you positive he mentioned no names? A. No, sir; he mentioned no name while I was there.

By Mr. Clews—Where did you go after that? A. I went to attend to my business.

Q. Up stairs or down? A. Up stairs.

Q. You did not see Mr. Stokes after that? A. Never saw the man in all my life, and wouldn't know him if I saw him.

By the Coroner—You say you picked up the ball on the stairs? A. I picked up the ball and walked away with it. (Witness here examined the ball).

Q. You cannot describe the ball you picked up? A. I cannot.

Q. Was it a leaden bullet? A. It looked very much like this ball (examining it), but I cannot tell.

Counsel for the prisoner insisted that the witness should be more closely interrogated as to the ball.

By the Coroner—What is the reason you cannot describe the ball you picked up? A. I did not notice it when I picked it up; I walked up stairs with it and handed it to Mr. Crocker.

Q. Did you look at it? A. No more than a look.

Q. From the time you picked it up until you handed it to Mr. Crocker did you look at it? A. No, sir.

Q. Then it is impossible for you describe the ball? A. It is.

By Mr. Field—Was it a round ball? A. I tell you I can't tell you; I can't describe it.

Q. Did you carry it in your hand? A. Yes; I carried it in my hand and handed it to Mr. Crocker on the stairs.

Q. Do you know whether it was lead or iron? A. I know it was lead; they are all made of lead, I guess. (Laughter.)

By the Coroner—State precisely where you picked up the ball. A. Right opposite the second door.

Q. On the stairs! A. At the foot of the first stair.

Q. You have looked at the ball? A. I have not, sir.

Q. You have just looked at it here! A. Oh, just now; but I can't tell; I tell you I can't tell anything about it.

By Mr. Field—Was there any blood on the ball when you picked it up! A. I don't know.

Q. Had you any blood on your hand! A. No.

Q. Was there any blood on the stairs! A. None at all, sir.

Q. Did you see any on the carpet! A. No, sir.

Q. Did you see any blood on Mr. Fisk's person? A. I saw none on any part of him at all; I often saw blood, but I didn't see any there.

Q. Do you know to whom he said he had been shot twice when taken to the reception room! A. There were several people there, and he said he had been shot twice.

By the Coroner—Who was the first person you recognized after Mr. Fisk said he had been shot twice! A. I saw nobody around that I could recognize.

Q. Who was the last person you remember after you heard Mr. Fisk was shot? A. I saw Mr. Powers.

Q. Now, who was the last person you remember before you heard the shot! A. I never heard the shooting; I told you I heard a noise, a kind of hollering.

Q. You didn't hear any shooting? A. I didn't hear any shooting, sir.

Q. Who was the last person you remember seeing before you heard the call! A. I cannot tell; you couldn't tell in a hotel where there are so many people running up and down stairs.

Q. Are you well acquainted with the attaches working in the hotel? A. Yes, sir.

Q. Do you remember seeing them there! A. None of them that I can tell.

By Mr. Field—Were you going up stairs in answer to a bell! A. No, sir; I had an order.

Q. Was that by a guests in the house? A. Yes, up in his room; first part of the fourth floor.

Q. What were you doing there! A. I was going there on business.

Q. What business! A. Waiting on a guest in the house.

Q. You went up in answer to an order from some one! A. Yes.

Q. Whose order was it! A. I don't know the gentleman; he was a stranger to me.

Q. Where was that whence the order came! A. Well, the number is 474, if you want to find him out.

Q. Where were you when you received the order to go up stairs? A. I was in the the room; I went out, and when I returned I got the order.

Q. Then it was just when you returned that you heard the noise? A. I heard the call for assistance and looked up the stairs.

Q. What is the distance to the head of the stairs? A. I never have measured it; I cannot tell what it is.

Q. Is it ten or fifty feet? A. Well, it is a large house, and you have to round it. (Laughter.)

The Coroner—Officer, preserve order. This no place for levity, and I hope the gentlemen will not indulge in any.

By the Coroner—Do you know how many steps there are? A. I never measured it.

Q. You have gone up and down a good many times? A. Yes, a good many times.

Q. How long would it take you to go up? Well, if I liked to loaf it would take a good while.

Q. Would it take you five minutes? A. Oh, no; one flight of stairs would take me about a minute, I guess.

By Mr. Clews—Have you talked with any one about this occurrence? A. No, I didn't talk to anybody.

Q. Nobody came to see you about it? A. No, sir.

By Mr. Field—Have you ever talked about it? A. Yes, I have, but to nobody except to the clerks in the office.

By the Coroner—Did you pick up the ball at the foot of the stairs? A. Yes, at the foot of the middle stairs; I told you that four or five times.

Q. To whom did you give the ball? A. To Mr. Crocker, at the head of the stairs.

Q. How did you know it was a ball? A. It looked a ball when I picked up.

Q. You say you cannot tell whether it was round or not? A. I cannot tell; I never noticed the ball.

Q. Did you think it was square? A. I cannot tell you.

Mr. Opdyke, one of the jurors, here suggested that the jury had obtained enough information from the witness.

By a Juror—I just wish to ask one question—who is Mr. Crocker? A. A clerk in the house.

As the witness was leaving the stand the Coroner ordered an officer to detain him in court.

Captain Byrne was next sworn, and said:—I am attached to the Fifteenth precinct police as Captain; I first heard of the shooting about ten minutes after four o'clock; I was going up the stoop of the station house; I was told by one of my sergeants; I went to the Grand Central Hotel, and went to the room where Colonel Fisk was lying; it is in the northeast corner of the building; I was given a ball at the Grand Central Hotel. (Ball handed to witness.) This is the same ball given to me by one of the attaches of the hotel at the foot of the private stairs; Mr. Crocker gave it to me; he told me a man named Hart found it; there was a pistol placed in my possession by Mr. Crocker; he told me that it was given to him by one of the ladies; I went to see the lady, and she said she found it lying on the sofa, on one corner of it; it was in the parlor, on the Broadway side; I searched the barber shop, the reading room and the writing room; Mr. Crocker was also searching for the pistol; I arrested Mr. Stokes in the reading room, about half an hour after Mr. Crocker told me that the pistol had been found.

By Mr. Field—The sofa was near to the door, the entrance to this parlor was on a line to the main hall.

By the Coroner—The pistol produced is the same; two balls were discharged out of it; it is now loaded.

The witness here held the pistol in his hand, with barrel pointing toward the ceiling. He turned it about in his hand slightly careless. While doing so the Coroner said to him, "Will you discharge one of those barrels—(Sensation in Court)—and let us see the ball?"

Mr. McKeon—I object to that, Mr. Coroner. It was my practice to do differently in such cases. Let the pistol, with the balls, as they are now, be enclosed in paper and your seal affixed to it, and let it be handed over to the District Attorney.

The Coroner—That course shall be pursued, sir.

Counsel for the Prisoner—That had bet-

ter be done, sir, for we have a Grand Jury now that will indict without evidence.

Witness resumed—I was not present when Mr. Stokes was arrested; Officer McKeon arrested him.

By Mr. Clews—Mr. Crocker examined the pistol; he gave me all the information he could, and manifested no desire to do this than a person in such circumstances would manifest; any person passing the entrance of the parlor and going to the main stairway could readily fling anything out of his hand into the parlor; I have not heard of any reports of a pistol being found in 217, where Mr. Fisk was taken.

By Mr. Field—Mr. Crocker did not take any more interest in the matter than a person in his position under the circumstances would be expected to show.

Mr. McKeon asked Captain Byrne to send to the prisoner a cane, which he (McKeon) thought might have been left at the station house.

Thomas H. Tripler testified—I reside at the Grand Central Hotel; I saw Col. Fisk last Saturday afternoon; as near as I remember it was twenty minutes after four o'clock; I saw him in the room 214; it is located to the north and east of the ladies' entrance fronting on Broadway; Mr. Fisk looked very pale and was agitated; I went there to offer professional aid; Col. Fisk told me he was shot; I heard him say later that it was Mr. Stokes who shot him; Col. Fisk was standing with his clothes on in the parlor when I saw him first; I remained with him until half-past 1 o'clock in the morning, and then left for a few moments; I was present when he died, at five minutes to 11 on Sunday morning.

By Mr. Fields—I assisted Mr. Fisk to undress; I did examine his clothing; there was no weapon found upon him; there were rumors that Mr. Fisk did carry a weapon—that he was armed at the time the accident occurred; I think I heard it in the hotel; if there had been a pistol around his waist I could not have failed to see it.

Q. Was the wound in the abdomen a fatal one, and, under all circumstances, must Mr. Fisk have died from the effects thereof? A. In my opinion it was.

Q. Do you think that the probing of the wound had anything to do either in causing or accelerating death? A. I do not.

Q. What do you think caused death? A. The shock, causing peritonitis and the wounding of the intestines; there were four holes in the intestines, and I think this accelerated the death.

By the Coroner—Did you probe Colonel Fisk's wound? A. I did, sir.

By Mr. Fields—Was Mr. Fisk perfectly

sensible when you were probing the wound? A. Yes; it was necessary to give him chloroform, but when Dr. James Wood probed the wound he showed that he was sensible of pain; It would not be excessively painful.

Q. Was Mr. Fisk sensible at the time of death? A. No, sir.

Q. How long had he been sensible? A. Until 4 o'clock in the morning.

Q. Then it is your opinion that after Col. Fisk received the wound in the abdomen under no circumstances could he possibly recover? A. That is my opinion, sir; I think he died of the wound, and nothing else.

Q. Don't you consider that the length of time Mr. Fisk survived showed great vitality? A. I think it did show great vitality.

Q. Would an ordinary person have survived so long? A. It is impossible to say.

Q. If he had only received the wound in the arm, would he have recovered from that? A. Yes, sir.

By Mr. Fields—If you had been successful in extracting the ball, would it have made any difference as to the result? A. None whatever, in my opinion.

By the Coroner—Have you seen any pistol that was said to be found on Col. Fisk? A. No, sir.

Q. Did Mr. Fisk complain that the probing of the wound had hurt him? A. He complained a little of the wound in his arm—more than of the wound in the abdomen.

Q. At what time did the physicians regard the case as absolutely hopeless? A. At 8 o'clock in the morning.

Counsel for the defence suggested that witness should give a "square" answer as to the probing. Witness said that when the wounds were probed Col. Fisk winced a little.

Q. He did not tell you that he was shot by Mr. Stokes? A. He did not relate any of the circumstances.

Coroner Young here stated that he should rest the evidence at this point, as far as the witnesses were concerned. He wished to make a statement, however, which was, that between 6 and 7 o'clock on Saturday evening he was sent for to take the dying statement of Col. Fisk. He was not quite certain as to the time, but he remembered stopping at the Fifteenth precinct station-house about that time. When he reached the room of Col. Fisk he was asked to take the ante-mortem statement of the Colonel, and he proposed now to read it to the jury.

Counsel for the prisoner objected to this being done, and, appealing to District At-

torney Sullivan, said that gentleman knew that it was not right that it should be read.

District-Attorney Sullivan said that, on the contrary, he knew that the Coroner was doing perfectly right, and had advised him to read it.

The Coroner said he had had a number of cases of homicide since he had been Coroner and he had never heard an objection before to the reading of ante-mortem statements.

The ante-mortem statement and the verdict of the jury were then read by Dr. Marsh.

Dr. Marsh read the post-mortem. In reply to questions put by the Coroner and jury Dr. Marsh confirmed the previous medical testimony as to the certainty of death and the probing of the wound.

Counsel for the defence protested at some length against the case being submitted to the jury without evidence as to the stripping of the body and the probing of the wounds.

The Coroner said he had fully decided to close the case there, and believed that he had fully performed his duty, which was not to try the case, but to find how Col. Fisk came by his death.

The Coroner then proceeded to address the jury. He said:

"GENTLEMEN OF THE JURY—I feel that it is unnecessary for me to refer you to the evidence that has been offered. You have listened attentively, and the positions you occupy in society, your intelligence, your reputation as good citizens, preclude the necessity of my advising you upon any point. All that I ask of you is to render a verdict in accordance with the testimony. That is all. I have no particular point to address you upon; but I would ask you only to commence with first witnesses and review the line of testimony to the close of the examination, to the end of the post-mortem. I do not know that I should say one more word to you. Gentlemen, I assure you that in the examination of the witnesses it has not been my desire to ask one improper question. I have not been animated with a prejudice against any man. I have no personal feeling. I have endeavored to discharge my duty, as I have already to the counsel, conscientiously, fearlessly, and as I shall always continue to discharge it. With these few remarks, gentlemen, I leave the case in your hands. You will please retire and agree upon a verdict, if you can do so.

The counsel for the prisoner—Against that we protest and except.

Coroner—With all due deference to the gentleman I decline to take any protest.

Counsel for the prisoner—Well, we can make you hereafter.

XVIII.

THE VERDICT.

At a quarter to five o'clock the jury retired to deliberate upon the verdict. It was thought that their absence would be brief, having merely to inquire into the cause of death. Contrary to general expectation, however, the jury remained out nearly three hours, and meanwhile the crowded Court became gradually thinned. Their long absence created much surprise and comment. At twenty minutes to 8 o'clock the jury returned into Court and resumed their seats.

The Coroner asked whether the jury had agreed to their verdict.

Mr. Opdyke replied in the affirmative.

The Coroner—What do you find, gentlemen?

Mr. Opdyke—Shall I read it?

The Coroner—If you please.

THE VERDICT.

Mr. Opdyke then read the following verdict:—"The jury find, from the testimony submitted on this inquest, that the deceased, James Fisk, Jr., came to his death at the Grand Central Hotel, in the city of New York, on the 7th day of January, 1872, at or about ten minutes before 11 o'clock, A. M., in consequence of a wound or wounds inflicted by a ball or balls from a pistol in the hands of Edward S. Stokes, discharged by him in a deliberate manner at the person of said Fisk, at the Grand Central Hotel aforesaid, on the 6th day of January, 1872, at or about 4 o'clock P. M."

Jesse Hoyt, Henry Clews, John J. Gorman, William H. Locke, Alex. McKenzie, George Opdyke, A. V. Stout, David Dows, M. B. Field, Lowell Lincoln, James R. Edwards, William M. Bliss.

NEW YORK, Jan. 9, 1872.

The announcement of the verdict created very little sensation in Court, nor was any change noticed in the demeanor of the accused from that which he had previously borne during the trial.

The Coroner then requested Mr. Stokes to step up to the witness stand. Accompanied by his counsel the accused did as requested. The Coroner continued:—"Mr. Stokes, the jury having rendered their verdict—which you have heard—it now be-

comes my duty to ask you certain questions. You are at liberty to answer them or not, as you please.

Q. What is your name! A. Edward S. Stokes.

Q. How old are you, Mr. Stokes! A. I am thirty years of age.

Q. Where were you born! A. I was born in Philadelphia.

Q. Where do you reside! A. I reside at the Hoffman House in the city of New York.

Q. Have you anything to say—and if so, what—relative to the charge preferred against you?

Counsel (answering for the prisoner)—By the advice of my counsel I decline to answer any further questions at this time. I am in their hands, as my counsel, and am governed by their advice.

The prisoner then signed his name to the above in a bold hand, without any symptoms of nervousness.

The Coroner—Mr. Stokes, the jury having rendered a verdict that James Fisk, Jr., came to his death by a pistol-shot wound at your hands, I shall commit you to the tombs, to await the action of the Grand Jury.

The Coroner then turned to the jury present, and having tendered his thanks for their attendance, discharged them.

Counsel for the prisoner, in a lengthened address, drew the attention of the Coroner to the statutes relative to the return of the proceedings of the Court. He dilated upon the crime that had been committed and alluded to the fact that the public mind was unduly excited. In order to secure justice to the prisoner, he contended that it was the duty of the Coroner to comply with the terms of the statute, which set forth that the testimony of the Coroner's jury should be reduced to writing by the Coroner and should be returned to the next Criminal Court that should be held in the county within thirty days. Counsel cited the case of McFarland to show that had he been tried within thirty days after the Coroner's verdict he must have been convicted. But when sober second thought came upon the public mind, always sure to follow in a case of that kind, he was not only acquitted by the public so incensed against him, but almost received the thanks of the jury for the act originally committed. He submitted that the prisoner was entitled to what was known in criminal proceedings as a continuance, owing to the prejudice now existing in the public mind. Under the circumstances he trusted the Coroner would not return the proceedings until the time specified by law, and until such time as the excitement incident to the case had died away.

Mr. McKeon followed on the same side, contending that it was the duty of the Coroner to withhold the proceedings until the full extent of time required by law.

Assistant District Attorney Sullivan intimated that the usual practice was that where recognizances were taken by a committing magistrate and called for an appearance at the next term it meant the term then pending. It was the well-settled practice to regard as the next term any part of the then current or unexpired term.

After some further discussion the counsel for the prisoner read the words of the statute:—"The testimony or witnesses examined before a coroner's jury shall be reduced to writing by the coroner, and shall be returned by him together with inquisition of the jury and all recognizances and examinations taken by such coroner, to the next criminal court of record that shall be held in the county." Counsel then commented on the fact that the jury had not rendered a verdict that showed the prisoner had committed wilful murder in the legal acceptance of the term, and that although it was set forth that the shooting had been done deliberately, many a highwayman had been shot with deliberation. He also adverted to the fact that two of the witnesses produced on the day preceding had contradicted themselves. The second one he contended had committed perjury, while the third witness wiped out the testimony of both.

The Coroner, at the conclusion of the counsel's observations, stated that he had listened attentively to the suggestions which had been made, and would give them a careful consideration.

The accused was then removed to his cell, and the inquest was brought to a close.

XIX.

STOKES IN PRISON.

Two days after his commitment, Keeper Finley admitted a reporter of the *New York Daily Sun* to the department of the city prison in which E. S. Stokes, the assassin of Col. James Fisk, Jr., is confined. Stokes was standing in front of his cell, laughing and chatting gaily with his brother, Coroner Shine, and David Dwyer, one of the keepers of the Tombs. He was dressed as though he had just stepped from a boudoir. On a handsomely frilled and embroidered shirt bosom of immaculate whiteness glistened three magnificent

diamond studs, and on the little finger of his left hand he wore a large and costly solitaire diamond ring. He wore a pair of lavender colored trousers, and a vest of dark material, across which was suspended a gold chain of unique pattern. He wore a silk velvet dressing jacket, whose sleeves, pockets, collar, and lappels were trimmed with pink silk, heavily quilted. His feet were incased in silk stockings, and he wore a pair of slippers richly embroidered with gold lace.

The reporter was introduced to Stokes by Mr. William Olliffe, a personal friend of the prisoner, and who, since the assassination, has been his constant attendant. Stokes said he slept well, and that his appetite never was better. His whole manner showed that he is either an adept at dissimulation, or that he does not realize his peril.

On a shelf in his cell were arranged eight bottles of Murray & Lanman's Florida water, with which he bathes. Standing by the side of the Florida were several suspicious black bottles.

Warden Stacom had assigned Stokes to cell No. 50. It had previously been cleaned and made as comfortable as prison regulations would allow. Stokes, however, was not satisfied, and at his own expense had the walls of the cell papered with a bright showy paper. The floor has been covered with a body brussels carpet of elegant design. Several cheerful pictures are hung on the wall, and the prison accommodations for sleeping have been replaced by a single black walnut bedstead, on which is a paliaistre and a heavy curled hair mattress. The sheets are of the finest fabric, and the large French down pillow is covered with a case edged with lace three inches deep.

His cell is on the second tier, only a few doors away from the cells of William Foster and William McNevin. It presents a strong contrast to these two. McNevin's cell is filled with religious emblems and books, and a large crucifix stands on his table. Foster's is plainly but neatly furnished.

While the reporter was conversing with Stokes, a friend handed him the evening newspapers, a card with mourning edge, on was the name of Robert F. Strobe, and a small vial.

"What have you got in the vial, Ed?" asked Keeper Dwyre.

"Only a little bergamot sent me by a friend," replied Stokes.

"Oh! ah! I thought it was something else," politely said the keeper.

Stokes laughed heartily, and said, "D

might be nitro-glycerine, but I am not ready for that just yet. Oh, no indeed, not yet!"

Dr. Nealis then took Stokes to the end of the corridor and there the two remained about ten minutes in conversation.

Keeper Dwyer then said "Ed, now comes the disagreeable part of the business I must lock up shop."

"All right," replied Stokes; "I'll see the boys in the morning."

Stokes positively refused to converse about the assassination, and said that his counsel had cautioned him against doing so.

Later in the afternoon Stokes' father called and shook hands with his son through the bars. The meeting was very affecting. The white-haired old gentleman shook with suppressed emotion and the murderer looked downcast and serious. The interview lasted only a few moments.

XIX.

FISK'S LOVE LIFE.

THE love letters to Josephine Mansfield hereinafter published are those against the publication of which Fisk fought in the courts as long as he had life. Read now, they will be pondered over as a painful pen picture of a man, taken by himself. In what they add to or take away from the opinion already formed of the unfortunate being snatched so suddenly from the life at times so bitter or so sweet to him will much depend on the point of view from which we read them. They can make him no worse in the eyes of those who gauge the enormity of guilt by the severe, immutable standard of the Decalogue; but it will be discovered that, if he invoked the vengeance of Heaven by his sinning, there was a symptom of strong affection in it, the shamefulness and social risk of which he knew, which, however, will find some palliation among the morbid sentimentalists of the modern school. These sad and silly letters of a man hard and sharp in business, multifarious in designs and not over scrupulous or faithful in anything of civil life, ask a curious question in themselves—namely, to what corner of the brain has modern civilization relegated the region of romance? Last year Laura D. Fair shot down Judge Crittenden beside his wife and children in San Francisco. In the trial which followed, long, fervid letters were read, wherein that old man of the world poured forth an avalanche of endearment

on the unclean woman who slew him in the end. The parallel between the two cases is not so far astray. It was not the woman herself who killed Fisk, but the rival—who shall I not say, goaded by the woman? We can look back over centuries and find that love letters, the outpourings of two understanding souls, have been famous since the art of writing was invented. Away in the twelfth century, through mediæval dust and darkness, the names of Abelard and Heloise stand out from the semi-gloom around them. Abelard, the wondrous logician, the powerful instructor, the deeply learned, whose theses and declarations of faith thundered up to the very gates of all-powerful Rome, whose pupils were numbered by thousands, and the light of whose genius outshone all others of the time, is better remembered to-day through the pages of his love letters than the ponderous Latin tomes of his logic. Men busy in the world, plotting, not the ruling of stocks and shareholders, but the empire of the earth, with the people for their slaves, have turned in the midst of all their struggles, violence and intrigue to talk "sweet nothings" with women, those women, too, not their wives. It is eighteen hundred years and more since the sensual, cruel, ambitious Marc Anthony first saw the gorgeous galley of the Egyptian Queen floating on the waters of the Cydnus and became her slave. How he flung away his wife Octavia, and with the insensate idolatry of a love-lorn fool surrendered to Cleopatra his very soul! We can see him in all his Parthian wars turning to her through the blood and fight to pour his wild admiration in the ears of his serpent of Old Nile. We can picture him at Actium, sending his last words before the fight to her, and we can see the false-heated creature, with a treachery which even vice abhors, play traitor to him in the end. Fisk was a vulgar Marc Anthony; yet the same sensual madness which first led him from the path of conjugal fidelity hurled him insane infatuation at the feet of a bad, and, what is ever worse, traitorous woman, who led him only to cast him off for another. The end of Anthony was tragic. He died by his own hand. The end of Fisk was tragic, too; the end was the same, but it was a rival who killed him. Nearer to our own day this *cacoethes scribendi* has exhibited itself in the fall of another great adventurer—the ex-Emperor of the French. It need only be named to be remembered that when the Man of Sedan laid down his ornamental sword, and when Rochefort and his *sans culottes* burst into the Tuileries, how they found among his papers stowed away in

secret drawers the notes and endearments that told the tale of his *liaison* with the famous Marguerite Bellanger.

Those who look over these letters of the murdered Prince of Erie will find nothing in them of the pure love immortalized in the sonnets of Petrarch to his Laura or the ideal tenderness of Dante for his Beatrice. It is Catullus as a stock jobber, Swineburne as an *opera bouffe* director. From the fatal day when the meretricious beauty of Mrs. Mansfield burst upon him, we have a whole year with a string of silly letters, neither polished in style, perfect in grammar, nor brilliant in wit. We come to February, 1870, where it seems that a frost of jealousy is nipping the garish flower of his passion. He appeals to her "out of memory of the great love I have borne for you." He speaks bitterly of his own faults—"I have many, God knows; too many"—and his business habits hold his hands lest he should let the woman know too much of his passion, lest he should write too long an "advertisement" of his weakness. And he glides into an attempt at poetical feeling about Arabs, woodbine, heaven and the River Jordan, which we would fain smile at, if there was not so much blood upon the page. The intimacy cools, but not the hopeless passion against which he struggles. We find him tapping the telegraph to see what plots the woman is weaving against him. Ah! she is leaving him at last, it would seem; the shadow of future assassin has fallen between them, and in August we find him cynically hoping she will find she has "made no mistake." Then the woman comes in with her accusing story, with a butcher's simile of "striking home and turning the knife round." Fisk has complained of this to Stokes that he (Stokes) has cut his heart in two. The fall of the year marks the vintage of passion turned to vinegar in his soul, and we are surprised to hear him upbraiding in earnest galledness of spirit, and questioning thus:—"But what think you of a woman who would veil my eyes by a gentle kiss, and afterward, night and day, for weeks, months and years, by deceit and fraud, to lead one through the dark valley of trouble, when she could have made my pathway one of roses?" Then follow such expressions—which he felt, no doubt, and yet was sorry in the writing—as "devil incarnate," and we can pity the wretch—for such he has now become—"laying at her feet a soul, a heart, a fortune and a reputation which had cost, by night and day, twenty-five years of struggle." This is the one "black spot" upon a record which he vainly speaks of

as "brighter than ever seen on earth." Remorse is creeping in, "its memory is indecent." Mingling with our pity and loathing we trace something of grin, unconscious prophecy in the incoherent ending—"Dust to dust, ashes to ashes—Amen!" It is the same misery over an ignoble object which awakened such strains as these in the poet Mangan—

The idol I adored is broken,
And must I weep its overthrow;
Thy lips at last my doom have spoken,
And all that now remains is woe.

Oh perfidy in friend or foe!
In husband, lover, brother, wife,
Thou art the blackest drop of woe
That bubbles in the cup of life.

XXI.

FISK'S FATAL AMOUR.

Fisk and Stokes met in the summer of 1869. Stokes was then comparatively poor, having only a small amount of money which he had made from several speculative operations, including an illicit distillery.

Stokes' parents were wealthy and lived in good style on Forty-ninth street. A few years ago he married a most charming wife, formerly a Miss Southick.

A year before, Fisk had made the acquaintance of Helen Josephine Mansfield, who was then in poor circumstances. She was introduced to Fisk at her own request at the residence of Anna Wood on West Thirty-fourth street. "Josie" had just been divorced from Frank Lawlor through a mythical divorce lawyer, named "M. House." Mrs. Mansfield, at this time, was in poor circumstances. She told Miss Wood that she had not a decent change of clothing. Fisk immediately took a great fancy to her, established her in nice quarters, furnished her with plenty of money and she became the mistress of the Prince of Erie, and the power behind the throne, which Fisk admits in his letter to her. Their intimacy now ripened into a strong affection, especially on the part of Fisk. He consulted her on all matters, lavished money on her, and Fisk's best friends say he got to regard her with a perfect worship of affection.

At this juncture, in September, 1869, Stokes became intimate with Fisk. He used to spend much time at the Erie office. He was a natty, handsome, lively fellow

and Fisk liked him. On the 15th of September Stokes called at the Erie office and suggested to Fisk his mother's oil refinery in Brooklyn. He said it might be put in working order, crude oil shipped over the Erie road, and a big scheme for making money was opened up to Fisk. Immediately a copartnership was formed and Stokes made treasurer. The oil refinery belonged to Stokes' mother. Stokes paid his mother \$12,000 per annum for it, while Fisk out of friendship and good feeling to Stokes, allowed him \$27,000 for its rent to the company. In this oil transaction Fisk furnished all the funds. Crude oil was transported over the Erie Railroad at a small tariff purified and sold at a good price.

Stokes was at first made treasurer of the company, but, having drawn out over thirty-two thousand dollars in the course of four months, the company was reorganized and he was appointed secretary of the new corporation. From the new company he drew out over thirty-seven thousand dollars in the course of six months, and on January 5th, 1871, he collected in one day twenty-seven thousand dollars of the company's money, no part of which, Fisk claimed, was due to him, and put it in his pocket, telling some of his friends that he had got twenty-seven thousand dollars of Fisk's money, and meant to keep it. For this he was arrested in the manner hereinafter stated, but upon his discharge from arrest a compromise was entered into by which he was allowed to keep what money was in his possession and was paid \$15,000 more for himself and \$6,000 for his mother in order to induce him to sell out his interest and retire from the company. In one way with another Stokes managed to leave the company with \$130,000 more money than he had when he went into it, all of which he derived directly from his relations with Fisk.

But Stokes was always generous and even profligate in his financial expenditures. He spent all he could make and then complained that he could not make enough, so one day he drew out \$27,000, seized the refinery, and laid a secret pipe connecting a \$50,000 vat of oil in store with a neighboring refinery, with the idea of running off the oil. This was discovered. Stokes was arrested for embezzlement, at the instance of Fisk, and confined in the Tombs over night. This embezzlement trial came on before Judge Dowling, who decided that there was no embezzlement, as it was a partnership affair, and each member could draw out what money he chose. It might be a moral crime, but it was not legal embezzlement.

The oil refinery business was now wound up, Fisk paying, through Mr. Beach, \$27,000 to Stokes for the use of the refinery, which cost him \$12,000, and fifty per cent. profit on the money which Fisk had advanced to Stokes to carry on the business at the commencement. Everything was quiet.

Soon Stokes began to feel still more uneasy. His finances were running low. He had already been introduced by Fisk to the house of his friend, Josephine Mansfield, and spent days and nights there unknown to Fisk.

Fisk now became jealous of Stokes. He told Stokes that "Josie would not let his old gum shoes stand in the hall," and he told "Josie" that she could not love them both "any more than you could run two engines on the same track in opposite directions." Stokes swore to Fisk that he had no cause of jealousy; but the latter was not satisfied and sought to break his connection with the woman, even though he did love her. He wrote farewell letters to "Josie," and then she would write a "sweet" reply, when Fisk would repent and send her a present and often a sum of money. While she was "thick" with Stokes, Fisk was all the time sending her money. Soon Fisk wrote a parting letter to "Josie" and told her she must look to Stokes for her support. This made "Josie" mad. She showed all of Fisk's letters to Stokes.

Stokes saw at once that these letters were not the letters which a married man should write to a woman other than his wife. He saw that there were personal matters that a man would write only to the woman whom he loved. He saw in them a chance of merchandise—an opportunity to hold Fisk in his power.

Stokes now gathered together all the notes, telegrams, scraps on cards and every word which Fisk had written to Josephine Mansfield. He even gathered scraps on cards which Fisk had written to this woman while sitting in the parlor waiting for her to come down. Stokes then made out a claim for \$200,000 against Fisk, with this claim he sent copies of Fisk's letters to Josie. He then said unless the claim was paid the letters would be published to the world. This demand for \$200,000 was made through his attorney, Ira Shaffer, Mr. Beach declining to be connected with the matter. With these letters came a copy of the motion for the arrest of Fisk—not the arrest itself, but the arrest which would follow in case the \$200,000 should not be paid.

These are the letters which Stokes sent to Fisk. These are the letters about which

there has been so much talk and so much money spent. These are the letters which caused Fisk to get out an injunction against Stokes to prevent their publication. They are now presented as sent by Stokes to Fisk. They are extraordinary letters, but they are such letters as a man would write to a woman whom he loved, and whose infatuation he had resolved to cast off.

XXII

THE LETTERS OF FISK'S AND "JOSIE."

The first letter was written on a card in 1867 as follows:

Mrs. Josie Lawlor, 42 Lexington avenue.

Come. Will you come over with Fred and dine with me? If your friends are there bring them along. Yours, truly,
J. F., Jr.

Have not heard from you as you promised.

On the back of the card was the following:

Come. Fred is at the door. My room, 8 o'clock. After many good looks I found Mr. Chamberlain. The understanding is now that yourself and Miss Land are to go with me, say at half past 9 o'clock, and the above gentleman is to come at 11 o'clock, as he has some matters to attend which will take him until that time. Answer this if you will be ready by half past 9 o'clock. Yours, truly,

JAMES FISK, JR.

LETTER WRITTEN IN JANUARY, 1868.

Strange you should make my office or the vicinity the scene for a "personal." You must be aware that harm came to me in such foolish vanity; and that those who could do it care but little for the interest of the writer of this. Yours, truly,

JAMES FISK, JR.

ANOTHER LETTER SAME MONTH.

5TH AV. H.

DOLLY: Enclosed find money. Pullly morning for a funeral. J. F., Jr.

WRITTEN IN THE SAME MONTH.

DEAR JOSIE: Get ready and come to the Twenty-third street entrance of the Hotel and take me down town, and then you can

come back and get the girls for the Fulton dinner to-day. Yours, truly,

SARDINES.

TWO MORE IN THE SAME MONTH.

DOLLY: The baggage sleigh will call at one o'clock, and you can leave in my charge what you see fit. You have no time to lose. J. F., Jr.

MRS. MANSFIELD—The sleigh will call here for you at two P. M. Yours,
J. FISK, per J. C.

HIS FAMILY INTERVENES.

My people are partaking of New York, in the shape of "White Fawn" and two or three other different matters. I may not be able to see you again to-night. If not, will take breakfast with you—the best I could do. Yours, truly,
February 5, 1868. JAMES

NEXT DAY.

DEAR DOLLY—Get right up now and I will be down to take breakfast with you in about thirty minutes. We will take breakfast in the main dining room down stairs.

Yours, truly, JAMES FISK, JR.
Wednesday Morning, Feb. 6.

WITH MONEY, SIXTEEN DAYS AFTERWARDS.

Have the kindness to acknowledge. Yours truly, J. F., Jr.
Feb. 22, 1868.

GOING TO THE OPERA.

DEAR JOSIE: I have some matters to arrange and cannot call for you until it is about time to go. I will be there twenty minutes before eight. Be ready. Yours truly, JAMES.

Feb. 26, 1868.

THE DAY FOLLOWING.

DOLLY: Enclosed find \$50. Sleep, Dolly, all the sleep you can to-day—every little bit! Sleep, Dolly! I feel as three cents worth of clams would help me some. Yours truly, J. F., Jr.

HIS FAMILY AGAIN INTERVENES.

MONDAY MORNING.

I am going to the San Francisco Minstrels with my family. If Mr. L. was here I should ask him to take to you. Shall see you to-morrow evening. Yours truly,
J. F., Jr.

MORE MONEY.

DOLLY—Enclosed find ——. I am wrong, but I am bothered. It will come right. When I don't come don't wait. You shall not be placed as you was to-night again. Yours truly,

Wednesday evening. JAMES FISK, Jr.

AFTER A LAPSE OF SEVEN MONTHS.

187 WEST ST., TUESDAY, Oct. 13, 1868.

MY DEAR JOSIE—James McHenry, the partner of Sir Morton Peto, the largest railway builder in the world, Mr. Tweed and Mr. Lane will dine with us at half-past six o'clock. I want you to provide as nice dinner as possible. Everything went on elegantly. We are *all* safe. Will see you at six o'clock. JAMES FISK, Jr.

AFTER A LAPSE OF NINE MONTHS.

MONDAY, Aug. 2, 1869.

DEAR JOSIE—Send my valise, with two shirts, good collars, vest, handkerchiefs, black velvet coat, nice vest, patent leather shoes, light pants. I am going to Long Branch to see about the calerye. Enclosed find \$25. Be back in the morning.

J. F., Jr.

MONEY.

ST. JAMES HOTEL, SUNDAY, Oct. 18, 1869.

DEAR JOSIE—Enclosed you will find \$143. Yours truly, JAMES.

A CLOUD OVERSHADOWS THE NEW YEAR.

SUNDAY EVENING, Feb. 1, 1870.

MY DEAR JOSIE: I received your letter. The tenor does not surprise me much. You alone sought the issue, and the reward will belong to you. I cannot allow you to depart believing yourself what you write, and must say to you, which you know full well, that all the differences could have been settled by a kiss in the right spirits, and in after days I should feel very kindly toward you out of memory of the great love I have borne for you. I never was aware that you admitted a fault. I have many—God knows, too many—and that has brought me the trouble of the day. I will not speak of the future, for full well I know the spirit you take it in. "You know me," and the instincts of your heart will weigh me out in the right scale. I will give you no parting advice. You have been well schooled in that, and can tell chaff from wheat, and probably are as strong to-night as the humble writer of this letter. The

actions of the past must be the right way to think of me; and from then, day by day, I hope any comparison which you may make from writing in the future will be favorable for me. A longer letter from me might be much of an advertisement of my weakness, and the only great idea I would impress on your mind is how wrong you are when you say that I have "grown tired of you." Wrong, wrong! Never excuse yourself on that in after years. Don't try to teach your heart that, for it is a lie, and you are falsifying yourself to your own soul.

No more. Like the Arabs, we will fold our tents and quietly steal away, and when we spread them next we hope it will be where the "woodbine twineth," over the river Jordan, on the beautiful banks of Heaven. From yours, ever,

JAMES.

ON HIS KNEES.

FEBRUARY 10, 1870.

MY DEAR DOLLY: Will you see me this morning? If so, what hour? Yours truly, JAMES.

ON THE WING.

WESTERN UNION TELEGRAPH Co. }
WORCESTER, MASS. }

[Received at Thirtieth st., Feb. 14, 1870].
To H. J. Mansfield, 339 West Twenty-third street:

On the 3 o'clock train from Boston, shall be in New York at 12. J. F., JR.
(13 D. H.)

MORE GOLD.

10TH OF MARCH.

DEAR DOLLY: Enclosed find \$75, which you need; do not wait for me to-night; I cannot come. Yours truly, ever, JAMES.

ENTER JOHN WILLIAMS.

ERIE RAILROAD TELEGRAPH, }
NEW YORK, April 26, 1870. }
[From Chicago, Ill.]

To JAS. FISK, JR.:

John S. Williams, colored, is here without tickets or money. He has letters from our agent at San Francisco, Mr. A. J. Day; E. S. Spencer, at Omaha. Advise me what to do. He wants to leave on (4:45) tomorrow.

A. J. DAY,
Per A. McGEDDIS, Ticket-Agent.
(Answered, Sheridan.)

ERIE RAILROAD TELEGRAPH, }
NEW YORK, April 26, 1870. }

To A. J. DAY, Chicago:

Yes. Send John S. Williams through
on my account. JAMES FISK, Jr.

(9 —)

(Written in lead pencil by J. F., Jr.)

W. Wilkins should be here in thirty
hours from Chicago, when he will be di-
rected to your house. Yours truly,

J. F., Jr.

MONEY AGAIN.

MY DEAR JOSIE: Enclosed find your re-
quest. I will send to the Fifth Avenue for
the things. I cannot go to the house as
much as I would like to. Yours,

JAMES.

May 6, 1870.

WHO IS THIS MAN?

COMPTROLLER'S OFFICE, ERIE }
R'WAY Co., N. Y., May, 1870. }

DOLLY: What do you think of this man?
I told him you would talk to him, and then
tell him to come back to me next Monday,
and I will talk to you about it. Yours truly,

JAMES.

DIAMONDS.

C. OFFICE, May 31, 1870.

Please send me the diamond brooch and
necklace, my dear.

JAMES.

THE SHADOW.

Aug. 1, 1870.

MY DEAR JOSIE: I send you letter I
found to my care on my desk. I cannot
come to you to-night. I shall stay in town
to-night, and probably to-morrow night,
and after that I must go East. On my re-
turn I shall come to see you. I am sure
you will say, "What a fool!" But you
must rest and so must I. The thread is so
slender I dare not strain it more. I am
sore, but God made me so, and I have not
the power to change it.

Loving you, as *as none but you*, I am,
yours ever,

JAMES.

STOKES.

August, 4, 1870.

DEAR JOSIE: I found on my arrival at
my office that the following despatch had
passed West last night:

E. S. Stokes, Buffalo and Saratoga Springs:

Pay no attention to former despatch.
Come on first train.

RANE.

Of course *it means* nothing that *you are*
aware of. But let me give you the author
of it and my authority, and you will see
how faithfully they have worked the case
out after my departure last evening. Miss
Peiris drove directly to Rane's office; from
there to the corner of Twenty-second street
and Broadway, where the above despatch
was sent, and from there to Ruiley's. A
third party was with them, but who left
them there? Rane and Peiris, why should
they need Stokes? "Comment is unneces-
sary"—a plotting house, and against me.
What have "I done" that Nully Peiris
should work against my peace of mind.

Your, truly, ever. JAMES.

P. S.—Since writing the within I under-
stand a despatch has reached New York
that he is on his way. JAMES.

GENEROUS THOUGH BETRAYED.

August 14, 1870.

Enclosed you will find \$400 for your
little matters. You told me when I saw
you last you would send me your bills,
which I would be pleased to receive, and
they shall have my attention at once. Your
letter would require a little time to pre-
pare a right answer to, so I will answer it
more fully by to-morrow, when I can look
it more carefully over. I am very happy
to know that you have acted from no im-
pulse in leaving me, but that it was a long
matured plan. I hope you have made no
mistake.

Yours, truly, ever,

JAMES FISK, Jr.

CIRCE TAKES HIM BY THE THROAT.

SEPT. 1870.

JAMES FISK, JR.: That your letter had
the desired effect you can well imagine. I
am honest enough to admit it cut me to
the quick. In all the annals of letter-
writing, I may say it eclipsed them all.
Your secretary made a slight error, how-
ever, in supposing that Mlle. Montaland was
mentioned. The only prima-donna I had
referred to was "Miss Peiris." As you
say, Mlle. has nothing whatever to do with
my affairs, I have always respected her, and
only thought of her as one of the noblest
works of God—beautiful and talented, and
your choice—never referring to her in my
letter in thought or word. I freely admit
I never expected so severe a letter from
you. I, of course, feel that it was unmer-
ited; but as it is your opinion of me, I ac-
cept it with all the sting. You have *struck*
home, and, I may say, turned the keife
around. I will send you the picture you
speak of at once. The one in the parlor I

will also dispose of. I know of nothing else here that you would wish. I am anxious to adjust our affairs. I certainly do not wish to annoy you, and that I may be able to do so I write you this last letter.

You have told me very often that you held some twenty or twenty-five thousand dollars of mine in your keeping, I do not know if it is so, but that I may be able to shape my affairs permanently for the future that a part of the amount would place me in a position where I never would have to appeal to you for aught. I have never *had one dollar from any one else*, and arriving here from the Branch, expecting my affairs with you to continue, I contracted bills that I would not otherwise have done. I do not ask for anything I have not been led to suppose was mine, and do not ask you to settle what is not entirely convenient for you. After a time I shall sell my house, but for the present think it best to remain in it. The money I speak of would place me where I should need the assistance of no one.

The ring I take back as fairly as I gave it to you; the mate to it I shall keep for company. Why you could say I obtained this house by robbery I cannot imagine; however, you know best. I am sorry that your associations with me was detrimental to you, and I would gladly with you (were it possible), obliterate the last three years of my life's history; but it is not possible, and we must struggle to outlive our past. I trust you will ~~see~~ ^{take} the sense of ~~this~~ ^{my} letter as it is meant, and that there ~~can~~ ^{is} be no mistake I send this by Ella, and what you do not understand she will explain.

THE STRUGGLING OF THE VICTIM.

NEW YORK, Oct. 1, 1870.

MRS. MANSFIELD: There can be no question as to the authority of your letter which was handed to me yesterday by your servant, in this respect differing from the epistle which you say you received from Miss Peiris, and which, in your opinion, required the united efforts of yourself, Mlle Montaland and myself. Certainly the composition should be good if these parties had combined to produce it. But the slight mistake you make is evident from the fact that the letter referred to was never seen by me, and I presume Mlle. Montaland is equally ignorant of its existence, as it is not likely she troubled herself about your affairs. I can scarcely believe that she assisted Miss Peiris in composing the letter, and the credit is therefore due to Miss Peiris for superior talent in correspondence. As far as the great exposure you

speak of is concerned, that is a dark entry upon which I have no light, and as I fail to see it I cannot of course understand it. I have endeavored to put your jumbled letter together in order to arrive at your meaning and I presume I have some idea of what you wish to convey; but as your statements lack the important element of truth they cannot, of course, have any weight with me.

You may not be to blame for entertaining the idea that you have shown great kindness to Miss Peiris and others, and that they are under great obligations to you for favors conferred. The habit of constantly imagining that you were the real author of all the benefits bestowed upon others would naturally affect a much better balanced brain than your, and in time you would come to believe that you alone had the power to distribute the good things to those around you, utterly forgetful of him who was behind the scenes entirely unnoticed. Can you blame, then, those from whose eyes the veil has fallen, and who see you in your true light as the giver of other's charities? I would not trouble myself to answer your letters, and I do not consider it a duty I owe you to give you a final expression of my opinion. In venting your spite on Miss Peiris (with whose affairs, by the way, I have nothing to do,) you have written a letter, in answering which you afford me an opportunity of conveying to you my ideas respecting the theories which you have taken every opportunity to express to those around you, and which many people have considered merely the emanations of a crazy brain. I could not coincide with this view, for crazy people are not inclined to do precisely as they please, either right or wrong, and so long as they are *loose*, I consider them sane, and therefore I could not put that construction on your conversation.

As for Miss Peiris being "a snake in the grass," I care but little about that. She can do me neither harm nor good. I have done all that has been done for her during the past year. She comes to me and says: "Sir, you have been my friend; you have assisted me in my troubles, and I thank you from the bottom of my heart." That is a full and sufficient recompense for me for any good I may have done her, and she can return. If she be a snake in the grass, I know full well her sting is gone and she is harmless. But what think you of woman who would veil my eyes first by a gentle kiss, and afterward, night and day, for weeks, months, and years, by deceit and fraud, to lead me through the dark valley of trouble, when she could have made my

pathway one of roses, committing crimes which the devil incarnate would shrink from, while all this time I showed to her, as to you, nothing but kindness both in words and actions, laying at your feet a soul, a heart, a fortune, and a reputation which had cost by night and day twenty-five years of perpetual struggle, and which, but for the black blot of having in an evil hour linked itself with you, would stand out to-day brighter than any ever seen upon earth. But the mist has fallen, and you appear in your true light. I borrow your own words to describe you, "a snake in the grass," and verily I have found thee out, and you have the audacity to call your sainted mother to witness your advice to me. "A dog that bites, &c., &c."

You accuse her of leading you on and of ever standing ready to make appointments for you. The tone of your letter is such that you seem willing to shoulder the load of guilt under which an ordinary criminal would stagger. I believe you have arrived at that state which no amount of guilt will disturb your serenity or prevent your having sweet dreams, and we still shall see you crawl "a snake in the grass."

How I worship the night I said, "Get thee behind me, Satan!" The few weeks that have elapsed since that blessed hour how I bless them for the peace of mind they have brought me! Again the world looks bright, and I have a being. You imagined I would pursue you again, and you thought I would endeavor to tear down the castle you had obtained by robbery. God knows that if I am an element so lost to every feeling of decency to be willing to link itself with you I will assist and foster it, so that it will keep you from crawling toward me and prevent me from looking on you as a snake, as you are, and from raising a hand in pity to assist you should trouble again cross your path. So I have no fears that I will again come near you.

I send you back a ring; and, were I to write anything about it, the words would be only too descent for the same, were they couched in the worst of language. So I say, take it back. Its memory is indecent, and it is the last souvenir I have that reminds me of you. I had a few pictures of you, but they have found a place among the nothings which fill the waste basket under my table. I am aware that in your back parlor, hangs the picture of the man who gave the wall to hang it on; and rumor says that you have another in your chamber. The picture up stairs send back to me. Take the other down, for whom it represents has no respect for you. After you read this letter you should be ashamed

to look at the picture, for you would say, "With all thy faults I love thee still," and what would be merely the same oft repeated *lie*. So take it down. Do not keep anything in that house that looks like me.

If there are any unsettled business matters that it is proper for me to arrange send them to me, and make the explanation as brief as possible.

I fain would reach the point where not even the slightest necessity will exist for any intercourse between us. I am in hopes this will end it. JAMES FISK, Jr.

FOUR DAYS AFTERWARD, AND STILL STRUGGLING IN THE TOILS.

NEW YORK, Oct. 4, 1870.

After the departure of Etta to-day, I wasted time enough to read over once more the letter of which she was the bearer from you to me, and I determined to reply to it, for the reason if it remained unanswered you might possibly think I did not really mean what I said when I wrote; and, besides, I was apprehensive that the friendly talk carried on through Etta, at second hand between you and me, might lead you to suppose I had somewhat repented of the course I had taken, or of the words I had penned. It is to remove any such impression that I again write to you, as I would have the language of my former letter and the sentiments therein expressed stamped upon your heart as my deep-seated opinion of your character. No other construction must be put upon my words. I turn over the first pages of your letter; I pass over the kind words you have written: have I not furnished a satisfactory mansion for others' use? Have I not fulfilled every promise I have made? Is there not a stability about your finances to-day (if not disturbed by vultures) sufficient to afford you a comfortable income for the remainder of your natural life? You say you have never received a dollar from any one but me, and you will never have another from me, until want and misery bring you to my door, except, of course, in fulfillment of my sacred promise, and the settlement of your bills up to three weeks ago, at five minutes to eleven o'clock.

You need have no fear as to my sensitiveness regarding your calling on any one else for assistance, as I find the word "*assistance*" underlined in your letter to make it more impressive on my mind. That of all others is the point I would have you reach; for in that you would say, "Why, man, how beautiful you are to look at, but nothing to lean on!" And you may well imagine my surprise at your selection of the

element you have chosen to fill my places (Stokes). I was shown to-day his diamonds which had been sacrificed to our people at one-half their value, and undoubtedly if this were not so the money would have been turned over to you, that you might feel contented as to the permanency of your affairs. You will therefore excuse me if I decline your modest request for a still further disbursement of \$25,000. I very naturally feel that some part of this amount might be used to release from the pound the property of others in whose welfare the writer of this does *not* feel unbounded interest.

You say that you hope that I will take the sense of your letter. There is but one sense to be taken out of it, and that is an "epitaph," to be cut on the stone at the head of the grave in which Miss Helen Josephine Mansfield has buried her pride. Had she been the same proud-spirited girl that she was when she stood side by side with me—she would not have humbled herself to ask a permanency of one whom she had so deeply wronged, nor would she stoop to be indebted to him for a home which would have furnished a haven of rest, pleasure and debauchery without cost to those who had crossed his path and robbed him of the friendship he once felt. The length of time since I had seen her and the kind words she spoke left my mind ill prepared for the perusal of your letter at that time, and it was not until after her departure, when I was seated quietly alone, that I took in the full intent and meaning of your letter, and felt that it was "robbery," and nothing else.

Now, pin this letter with the other. The front of this is the back of that, and you will have a telescopic view of yourself and your character as you appear to me to-day; and then I ask you turn back from pages of your life's history, counting each page one week of your life, and see how I looked to thee then, and ask your own guilty heart if you had not better let me alone; and instead of trying to answer this letter from your disorganized brain, or writing from the dictation of those around you to-day, simply take a piece of paper and write on it the same as I do now, so far as we are now, or ever may be. "Dust to dust, ashes to ashes. Amen." J. F., Jr.

SETTLING UP CIRCE'S BILLS.

(J. F., Jr.) [Monogram.]

Oct. 19, 1870.

MADAME: Enclosed I send you bill of Harris receipted, and I also beg to hand you \$126 29, being the honest proportion of the Bassford bill which belongs to me to pay. I should have made the word

"honest" more definite, for had not Mr. Bassford to put the dates to the bill, as he had received instructions from Miss Mansfield to have the bill all under the date of June 8, 1870, although (\$146 26) the amount of the goods, as bought by you or your agent, was spent at a much later date. I should not suppose you would care to place yourself in the light that this bill put you, knowing as I do the instructions that you gave Mr. Bassford. I had supposed you "honest," but I find that a trace of that virtue does not even cling to you. I am, yours, J. F., Jr.

A SMALL SHIP AND POORLY OFFICERED.

DEPARTMENT OF FINANCE, ERIE RAILWAY,
NEW YORK, Oct. 20, 1870.

MADAM: You know I would not wrong you, and I would take back all my acts when there could be a shadow of doubt that you was right and I was wrong; and let me speak of the other harsh letters I have written. I wrote them because you had wronged me positively, and because you had placed between me and my life, my hopes and my happiness an eternal gulf, and I felt sore and revengeful, and on those I am now the same. It would be idle for me to write about them or about *us*, when I could talk to you there. You did not listen, I presume it to be the same now.

The entire connection is like a dream to me—a fearful dream—from which I have awoke, and, while dreaming, supposed my soul had gone out; and the awakening tells me I am saved, and, from the embers of the late fire, there smoulders no spirit of revenge toward you, for you acted right, and the *wrong* only came to me from you because you did not act sooner, and I would not believe that any power on earth would make any question of money influence me or come between me and the holy feeling I once had for you. I sent John to Bassford's, and they told him what I said, or he told me so, that the dates of the bill should not be changed. But what does it matter whether it is so or not. I cannot *feel* that you would do it, and something says to me this was one of the things she was not like. So I pass it by, and if the letters of last night or to-day are not like me you can wash the bad act out from your memory, and leave but the one idea that I want to do my duty and fulfill every unsettled relic. At least in my heart rests no remorse, for the memory is too deeply seated and I would cherish all that is good about you, and forget forever the bad. Of late you have thought different from me (this may

be imaginary on my part), for which I think you give me all the credit you can.

We have *parted forever*. Now, let us make the memory of the past as bright and beautiful as we can; for on my side there is so little to cherish that I cling to it with great tenacity, and hope from time to time to wear it off. You *know* full well how I have suffered. *Once* you knew me better than any one on earth. To-day you know me *less*. It is the proper light for you to stand in. It is *all* you desire on your side. It is all you deserve *on mine*.

This letter should remain and be read only by you. Should you see fit to answer it the answer will be the same way kept by me. There has been a storm. The ship, a noble steamer, has gone down. The storm is over and the sea is smooth again.

Little ships should keep near shore;
Greater ships can venture more.

"My ship is small and poorly officered."
I am yours, ever, &c., &c. J. F., Jr.

P. S.—I would have liked to have answered your letter in full, but, as you say I have not a well-balanced brain, and I knew I could not do justice to a letter of that kind, so refrain, and content to let the the sentiments of it "know and fret me."

CIRCE VISITS HIM IN TEARS—THE WARNING.

Oct. 25, 1870.

Why should I write you again? Shall I ever reach the end? There comes another and another chapter, until I get weary with the entire affair. I would forget it, and no doubt you would the same. The mistake yesterday was almost the mistake of a lifetime for me. Who supposed for an instant that you would ever cross my path again in a spirit of submission and with a contrite spirit? You have done that you should be sorry for, and I the same in permitting it. This cannot be, and I shall write you the final letter, and I shall see you no more. I told you that much yesterday evening, and still I write it to you again. Yes, for the the reason I treated you falsely last night, and I left you with a different impression, and I would put that right. You acted so differently from your nature that I forgive you, and even went so far as to bring my mind to bear now I could take you back again. First, the devil stood behind, and my better reason gave way for the moment and I came away, telling you I would see you no more. When your better character comes in contact with mine we are so much

alike that much of what is said, like that last night, had better be unsaid.

All looks bright and beautiful, and my better nature trembles at ideas that were expressed last night. But that I should have left on your mind an idea that you could control me is erroneous. There are truths in this affair, and they must be spoken. You have gone from one element and you have taken another (Stokes) for you to turn back, either when you are situated that way, or when even you could say that element had gone, should make no difference to me. It was you that took the step and you should and shall suffer the consequences. Supposing the part you took last night and yesterday afternoon was one of truth, if not, and I—— [Here this letter is torn.]

Again, if you was not dealing from your heart in what took place, and I hope it was not true, then there are no consequences and no suffering for you to endure. Why, it has been many a long year since I could say to myself that I had committed such a folly. To find another like yesterday would bring me back almost to childhood. To imagine that I should have again crossed your threshold, and crossed it, too, deliberately, knowing that the same facts existed that had given me all my trouble, and made me this sorrow—why, it is devilish.

I told you that I had passed the realm where I had forgiven you all the sorrow you had made me, and that I would not murmur; I would not find fault with all that I saw. I would fain tear your image from my mind; and I will. Why, I thought all night last night all day to-day of your saying "I would rather be a toad," &c., &c. Was that written to apply to me? I should say so. Yes. Who knows what you would not conceive? No one but yourself. And I must weight you carefully, for I have nothing but a great character to deal with, and I must meet things carefully. You might suppose you could love two and perhaps more elements and make them hover near you. Certainly you did last night and, for shame, I was one of them. But it will *never* occur again.

For once let me be honest. You went that road because it looked smooth and pleasant, and mine looked ragged and worn. Now, a mistake cannot be found out too soon. Travel further along, and don't try to turn so soon. I can see you now, as you were last night, when you talked of this man (Stokes); and do you not deceive yourself—you *love him*. Yesterday there was nothing but the breaking up of strong pride and the giving way of willfulness. Cling to that one. Leave me alone; for in

me you have *nothing* left. Why ask me to weaken yourself with him? All this you must study; but I pledge you to-night that I will not countenance even your impression on my mind until the door is closed behind him forever. For what you can gain from me you probably cannot afford to do that; so let me advise you—nourish him and be careful. Nothing is so bad for you as changes. He loves you; you love him.

You have caused me all the misery you could. Cling to him. Be careful what you do, or he will be watchful. How well he knows you *cheated* me. He will look for the same. And now, I know precisely how you stand from your own lips; I will treat him differently. Although you would not protect him, I will. While he is there, and until his memory is buried forever, never approach me, for I shall send you away unseen. Ever be careful that you do not have the feeling that you can come back to me, for there is a wide gulf between you and me. I would not hold a false hope out to you. I shall not trouble you more in this letter. You have the only idea I can express to you. You know when you can see me again, if ever. The risk for you is too great. Loving and suited as you are, cling to him for the present, and when your nature grows tired of that throw him off. And so long until it is time for you to be weary and for you to be "put in your little bed" forever, you must rest contented. Don't begin plotting to-morrow. Take to-morrow for thought, and be governed by this letter, for the writer has much of your destiny in his hands.

STILL GRANTING FAVORS.

Nov. 1, 1870.

MISS MANSFIELD: I have taken the steps for the corn doctress' removal to a Southern clime, where her business should be better, as vegetables of that class thrive more rapidly there than on our bleak shores. I presume it will take from two, or say four days, before I get the passes, when they will be sent to you. Should she call on you, say to her to come back in four days and you will have them for her. I sent you a package by Maggie for what you wanted on Saturday evening, with a little surplus over for trimmings, which I hope you received. I am of your opinion regarding not only Dr. Pape, but all of the doctors. You are well, let nature take its course. You are in too good health to tamper with a constitution as good as yours. This is important for your consideration.

Yours truly,

JAMES.

AND MONEY.

Nov. 10, 1870.

Enclosed find \$300. Please use. I am very sorry we could not have arrived at a more satisfactory conclusion last night. I did all I could, and the same feeling prevails o'er me now. With careful and watchful manner you should look at all our affairs. You should make no mistake. You told me I should hear from you when you came to a conclusion. Therefore I wait upon your early reply, and until then I must of course pursue the the same course I have for the last six weeks. I hope we shall mutually understand each other, for the thing could be made, as should be made, satisfactory to you. I am yours,

JAMES.

AND YET MORE MONEY.

Erie Railway Company, Treasurer's Office, Nov. 7, 1870, receiving desk—\$500.

WM. H. B.

Erie Railway Company, Treasurer's Office, Nov. 19, 1870, receiving desk—\$500.

WM. H. B.

Please acknowledge receipt.

JAMES.

AND THEATRE BOXES.

November 11, 1870.

Enclosed you will find the order on Miss Guthrie, which have Etta or you present and it will be all right. Mr. Comer gave them an order not to deliver anything only on my written order to stop the "opera bouffers;" but present this enclosed order and it will be all right. Mrs. Reher was here this morning and I gave her transportation for self and Michael to Charleston by steamer.

Enclosed you will find box at theatre in order to get the same, as it was sold. I have convinced myself that I desire you and yours to come.

Please answer the note, that I may know you are to come. Yours, truly, JAMES.

AND OPERA BOXES.

November 12, 1870.

Enclosed find the letters. I was not aware Miss Jordan was to come until I saw her pass the gate-keeper; but that is nothing astonishing, as she is one of our regular customers. Of course I did not send her the box, for she is not in the mood that I presume such civilities would be received from Fisk, Jr. I am glad you

was pleased. I would have been glad to have you seen "Le Petit Faust." At the "Duchesse" we used old clothes and scenery, while in "Faust" all was new. We play "Faust" this afternoon. Shall I send you a box? And on Monday night we give the world "our diamond," "Les Brigands," all new.

Surely the world is machinery. Am I keeping up with it? is the question. Yours, truly,
JAMES.

WORSE.

November 14, 1870.

DEAR DOLLY: Do you really wish to see a "brigand" at your house to-night? If so, what hour, or from what hour and how late shall I call? for I might be able to come at 8, or perhaps not until 10. Say what hour, and how late is your limit after the time you first say.

WORSE.

November 15, 1870.

Enclosed find box for to-night. Should you find you cannot use it send it back to me later. Do you feel as I said you would this morning? The box, of course, is for whoever you may invite.

Yours, truly, JAMES.

WORST.

November 16, 18—.

DEAR DOLLY—Don't feel that way. Go riding, and to-night, darling, I will take you to rest. I shall go out at half past 3, and you can safely look ahead, darling, for rest. It will come, and we shall be happy again. Yours, truly, JAMES.

THE LAST LETTERS.

Nov. 18, 1870.

Shall go to the race to-day, and this evening I am engaged until late, and I am afraid you would get tired waiting for the ring of the bell or the ring of the door. So I will not ask you to wait my coming unless it be your wish, in which case I will come as early as I can. Yours, &c.

Enclosed find the Leidunor Ball. Yours, truly,
J. F., Jr.

MONDAY MORNING.

Not time to come up. J. F., Jr.

ANOTHER ALLEGED LETTER.

From the Tribune, Nov. 25.

ERIE RAILWAY COMPANY.

JAY GOULD, Pres. Jas. Fisk, Jr., Treas.

Office of the Company, New York,—
DEAR DOLLY: To-night we play "Les Brigands" it is too jolly? When you past me at the gate last night without looking at me my heart was pierced.

JAMES FISK, JR.

XXIII.

WHAT FISK PAID FOR HIS LETTERS.

AFTER Fisk and Josie had "made up" Stokes entered the field again. He persuaded Josie that the letters which Fisk had written were of immense value to him, and that he would pay any price rather than have them exposed to the gaze of the public. So in a fatal hour Josie consented to "go back" on Fisk.

Fisk received this copy of his private correspondence with the woman he had once loved, whom he had taken from poverty and made rich, with a feeling of remorse. He had no resentment. He saw their object and met their attack at once. He immediately, to make sure that he was right, sent for Richard E. King, a colored boy in the employ of Josephine Mansfield. Richard is an intelligent boy. He testified that he had overheard Stokes and Josephine Mansfield talk about the scheme of getting money out of Fisk. Stokes said he "was going for \$100,000." Richard heard it and came and told Fisk. Fisk caused Richard to make an affidavit as to what he had heard Stokes say. Stokes commenced a suit against Fisk for libel.

Stokes now failing to get a settlement from Fisk for his \$200,000 claim, offered to enter upon an arbitration, and selected Clarence Seward to arbitrate the matter. Fisk agreed to this. Clarence Seward decided that Stokes' claim was null and void, but that Fisk ought to pay Stokes \$10,000 damage, for the night which he spent in the Tombs. This Fisk agreed to, provided Stokes would give up the letters which he had written to Josephine Mansfield. Stokes agreed to do this and received the \$10,000 from William H. Morgan, Fisk's attorney, on the 30th of June, 1871. Stokes also wanted Fisk to pay his attorney, Ira Shaffer, \$5,000. This Fisk agreed to. So he paid in all to get these letters out of Stokes' hands \$15,000, and Stokes sent the letters to Peter B. Sweeny, with this letter: HON. PETER B. SWEENEY:—

DEAR SIR—Mr. Buckley informed me of your desire to have possession of Mr. Fisk's letters, approved, &c. I herewith send them all to you. Yours respectfully,
EDWARD S. STOKES.
New York, April 12, 1871.

AWARD OF CLARENCE A. SEWARD TO STOKES.
TO ALL WHOM THESE PRESENTS SHALL
COME:—

Whereas divers suits, disputes, controversies and differences have happened and arisen and are now depending between Edward S. Stokes and James Fisk, Jr., both of the city and county of New York, and were heretofore depending, and whereas, for the purpose of pacifying, composing and ending the said suits, disputes, controversies and differences in an amicable way, and to avoid all public notoriety, the said Edward S. Stokes and James Fisk, Jr., did, on the 29th day of April, 1871, by a written agreement, to submit the said matters to the award and the final determination of the undersigned, as sole arbitrator, as by reference to the said agreement, hereunto annexed, will more fully appear. Now therefore, I Clarence A. Seward, the arbitrator so designated, do hereby state that I have taken upon myself the charge and burden of the said award, and have deliberately heard the allegations and proofs of the said parties, and that I do, by these presents, arbitrate, award, order and adjudge of and concerning the premises in manner and form, that is to say:—

First—That the said Edward S. Stokes is not entitled to any interest in the Brooklyn Oil Refinery Company, nor in any drawback alleged to have been agreed to be paid to the said company arising upon the transportation of oil, nor to any damages for a loss of business in being removed from said company, nor for any damages for the failure to erect upon the premises of the said company any further improvements for the transaction of the business of the said company, nor for any damage for a violation of any of the covenants contained in the leases of the property to the said company, nor for any damages for retaining the use of any property belonging to said Stokes individually, to be used in and about the business of the said company, nor to any damages for surrendering his interest in the said company on the 1st day of May, 1870, nor to any damages as and for his share in the prospective profits of the said company, being of the opinion that, as to all these several subjects matter of claim made by the said Stokes against the said Fisk, no sufficient reason has been adduced before me why the settlement between the parties hereto, and those connected therewith, made on the 13th and 14th day of January, 1871, after full consultation, advisement, discussion and mental relinquishment, shall be set asides, varied and vacated.

Second—That as to the claims of the said

Stokes for false imprisonment, I think such claims were virtually waived at the time of and by the settlement between the parties, and that no damages are to be recovered therefor.

Third—That as the claim of the said Stokes for damages for malicious prosecution and counsel fees he is entitled to recover of the said Fisk the sum of \$10,000 as and for such damages and for all costs and expenses which the said Stokes has sustained, the same, when paid, to be in full satisfaction and discharge of each and every of the claims for damages for malicious publication and for counsel fees and expenses made by him before me.

Fourth—I do, therefore, hereby award, order and adjudge that the said James Fisk, Jr., shall and do, on or before the first day of July, 1871, pay or cause to be paid to the said Edward S. Stokes, the sum of \$10,000, in full payment, discharge and satisfaction, of and for all moneys, debts, and damages due or owing unto the said Edward S. Stokes, by the said James Fisk, Jr., upon any account whatsoever, at any time before their entering into the said agreement of submission as aforesaid.

Fifth—And I do further award, order and adjudge that all actions and suits commenced, brought or depending between the said Edward S. Stokes and the said James Fisk, Jr., for any matter, cause or thing whatsoever, arising or existing at the time of or before their entering into said agreement of arbitration, shall from henceforth cease and determine, and be no further prosecuted or proceeded in by them, or by their or either of their means, consent or procurement.

Sixth—And I do further award, order and adjudge that the said Edward S. Stokes and James Fisk, Jr., shall, on or before the first day of July ensuing, seal, execute and deliver unto each other mutual and general releases of all actions, cause and causes of actions, suits, controversies, trespasses, debts, damages, accounts and demands whatsoever, for or by reason of any matter, cause or thing whatsoever existing between them, prior to the date of the said submission as aforesaid.

In witness whereof I, the said arbitrator, have hereunto set my hand and seal this 17th day of June, in the year 1871.

C. A. SEWARD

THE RELEASE OF FISK.

Know all men by these presents, that I, Edward S. Stokes, of the city, county and state of New York, for and in consideration of the sum of one dollar, to me in

hand paid by James Fisk, Jr., at or before the delivery of these presents, the receipt whereof is hereby acknowledged, and in pursuance of an award or arbitration duly made on the 17th of June, 1871, by Clarence A. Seward, the arbitrator to whom was referred the matters at issue between myself and the said James Fisk, Jr., by agreement dated the 20th day of April, 1871, do remise, release and forever discharge the said James Fisk, Jr., from all and all manner of action and actions, cause and causes of action, suits, controversies, trespasses, debts, damages, accounts and demands whatsoever, for or by reason of any matter, cause or thing whatsoever existing between us prior to the date of the said submission—to wit, the 29th day of June 1871.

E. S. STOKES.

Sealed and delivered in presence of John F. Bingham.

State of New York, City and County of New York—On the first day of July, in the year 1871, before me personally appeared Edward S. Stokes, to me personally known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he executed the same for the uses and purposes therein mentioned.

JOHN F. BINGHAM,

Notary Public, N. Y. Co.

This \$10,000, which was to forever settle the difficulty between Fisk and Stokes lasted the latter about three months. He basted to need more money. His former lawyers refused, thought there was a good chance, and, in September, 1871, Stokes gave Fisk notice that he should move to set aside the \$10,000 award. He now sent frequent threatening messages to Fisk. He told Fisk's friends that he intended to "fix him." His words were always ominous, and he boasted of influence with judges, etc. He said Judge Ingraham would stand by him; etc.

Stokes now employed Marsh and Wallace. He dug up the old batch of letters, which are given above. He said he would publish them in a morning paper; *Tribune*; that Shanks and Greeley were his friends; that he would ruin Fisk's Boston friends;

Sir Morton Peto, &c. He said "Josie" knew the inside of Erie matters; that "Josie" knew about Tammany, and that "Josie" would do wonderful things. To the old batch of letters he pinned on a supplement, which is included with the rest.

The trial to set aside the \$10,000 now came before Judge Ingraham. Fisk was on hand at the trial. His counsel, Mr. Beach, made a motion before Judge Ingraham to suppress the letters—that they were non-relevant to the case. Judge Ingraham read the letters, suppressed them and returned them to Marsh and Wallace, Stokes' attorneys.

Stokes now threatened to publish them in the newspapers; but Fisk got an injunction from Judge Pratt, of Brooklyn, against their publication by Stokes.

After Judge Pratt's injunction Stokes counsel came before Judge Ingraham and announced that they did not intend to continue the proceedings before him. Their motion was accordingly dismissed, and the whole question was submitted on argument before Judge Brady in the other suit. But while this suit was pending Miss Mansfield, accompanied by Stokes, appeared before Judge Bixby and obtained a warrant for the arrest of Fisk on a charge of libel contained in an affidavit of Richard E. King, which was read before Judge Bixby. The case was heard by Justice Bixby for several days, and on the day of the murder Stokes own counsel informed him, after a prolonged session before Justice Bixby, that his case was hopeless and must be abandoned. Judge Brady had the day before decided the other suit against him, and on the same afternoon Stokes' counsel informed him that an indictment had been obtained against him from the Grand Jury for conspiracy to blackmail.

THE TRIAL OF STOKES.

XXIV.

Shortly after the hearing before the Coroner, an indictment for murder in the first degree was found by the Grand Jury and Stokes was called upon to plead to it. His counsel put in special pleas immediately, all of which were overruled by Judge Ingraham, except one plea as to the legality of the Grand Jury. Issue upon this plea was joined and after a long trial before a jury, of nearly a month's duration, Judge Cardozo refused to permit the jury to decide the case, and found adversely to the prisoner.

After one month's legal squabbles, Stokes was placed on trial before Judge Ingraham, who presided. The trial lasted more than three weeks, and resulted in a disagreement of the jury, five of whom were for acquittal and seven for murder. A second trial had accordingly to be had, which was commenced in the month of December, 1872, and ended January 4th, 1873. At this trial the following gentlemen had been selected as the jury:

1. David Egglestone, iron merchant.
2. Charles S. Loper, retired merchant.
3. John A. Beyer, flour merchant.
4. Abraham C. Morris, insurance.
5. Charles A. Yost, clothing.
6. Jesse M. Bolles, merchant.
7. Joseph Sands, architect.
8. David Hepburn, carpenter.
9. George N. Manchester, brick maker.
10. Augustus Bechstein, provision merchant.
11. Cornelius W. Luister, builder.
12. William P. Mitchel, printer.

The result of this trial was a verdict of guilty of murder in the first degree. Stokes was defended by Messrs. Tremain and Dos Passos. District Attorney Fellows acted for the State, assisted by Messrs. Beach and Fullerton. After the verdict had been rendered, the jury were polled by request of the prisoner's counsel. No sooner had the last man answered "yes" to the question whether all had agreed on the verdict, than the prisoner, erect and firm, turned his face full upon Mr. Beach, who at one time had been his counsel in a civil case.

"Mr. Beach," the prisoner said, slowly and in a full-toned voice, "you have done your work well. I hope you have been well paid for it."

Then the prisoner sank slowly into his seat. Mr. Beach made no reply.

Mr. Fellows explained that he had refused to try the case unless Mr. Beach and Mr. Fullerton were associated with him. They had consented to join him at the request of District Attorney Garvin, and without any fee from any of Col. Fisk's family.

The prisoner arose and sweeping the air with his clenched fist, said:

"Mr. Fellows, say that they were hired by Jay Gould. Please say that."

The sensation in court was such as is seldom known. Then the Court discharged the jury.

THE SENTENCE.

On the Monday following the conviction of Stokes he was brought into court for sentence. The Clerk of the court, Mr. Sparks, rose and Stokes stood up. He elevated himself slowly as if with pain.

Mr. Sparks said: "Edward S. Stokes, what have you now to say why the sentence of death should not be pronounced against you?"

Stokes stood silent for a moment. Then he opened his lips. His voice was quivering and pleading. He said:

"I can only say that I am innocent of the crime of which I now stand convicted. I did not intentionally violate any of the laws of the land.

"I would also like to say that I noticed in one of to-day's papers an interview with one of the jurymen, Mr. Rolles, I guess it is, in which he stated that probably it would have been better if I had not gone on the stand, because I testified that I had never before fired off the pistol with which Fisk met his death, when I had fired it off repeatedly at Saratoga with Col. Fellows. If that interview was true, I have only to say that I never fired that pistol at Saratoga, and that it was never discharged by me twice.

"I know that all the testimony which was given by the defence was viewed lightly by the jury. I am convinced of that. I know that public clamor has been aroused on account of the frequency of murder in New York city.

"I know that the evidence of Thomas Hart, on which I was convicted, is false from beginning to end, and was manufactured; and I believe the prosecution knew it, and the District Attorney knew it, and the counsel for the prosecution knew it when he summed up the case.

"I hope your Honor will make the sentence as brief as possible."

Then Stokes hung his head and dropped his hat on his chair, and crossed his hands behind his back. He looked like a condemned man utterly prostrated and ready for execution. He bit his lips, and tried to be firm, but it was evidently all he could do to stand up.

Judge Boardman then gave the sentence of the court. He spoke in a clear, ringing tone. Every word could be heard plainly throughout the court room. There was firmness, but no harshness in

his voice, and he looked upon the prisoner sorrowfully, as he uttered the words of doom:

"You have been defended by the most eminent and able counsel with extraordinary skill and devotion. You have been supported and sustained by the sympathy of loving relatives and ardent friends. All that wealth, affection and industry could do for you has been cheerfully and well done. A jury, carefully selected of intelligent and upright gentlemen, have listened most patiently and kindly to your own account of this most terrible act, as well as to the other evidence that has been put in on your behalf. They have found you guilty of murder in the highest degree, the highest crime known to our laws, in having caused the death of James Fisk, Jr., one year ago to-day. This verdict was wrong from their judgment, not prompted by their hearts. I am sure I do each error but justice in saying and assuring you that this decision was the most painful act of his life. The result was not the fruit of unkindness to you, but of just respect for and obedience to law. The evidence in the case, even your own testimony, I am constrained to believe, sanctions their conclusion and justifies their verdict. I am not conscious so far as I am personally concerned, that I have erred in any respect against you. During the progress of this trial I have endeavored in all cases of doubt to give you the benefit of that doubt. To me remains the painful duty of pronouncing the judgment of the law, not alone as a punishment of your crime, but also that by your example others may take warning. I am sad over your unhappy fate—so young, so attractive in person, with so many fountains of joy yet untasted.

"Still greater is my sorrow to realize the number of anguishes you have brought upon your family and friends. Your disgrace is reflected upon those who are pure. Your dishonor casts an unjust but unavoidable stain upon their truth and virtue. It is a frightful legacy to leave to a family, a spectre that death alone can vanquish.

"It were idle if it were possible for me to trace the paths from innocence to crime, to tell the tale of appetites unrestrained, of passions fierce, vindictive and unbridled. I cannot do it. Let the time which the law gives you be devoted to reflections upon your past, repentance for your sins, and preparation for the great change so fearfully near you. Do not delude yourself with uncertain hopes of pardon and clemency.

"Edward S. Stokes, in obedience to the requirements of the law, this court orders and directs that you be taken hence in the custody of the Sheriff of the city of New York to the prison from whence you came, that you be there confined in close custody by said Sheriff until the 28th day of February, 1873, and that on that day, between the hours of eleven o'clock in the morning and three o'clock in the afternoon you be hanged by the neck until you be dead, and may God have mercy on your soul."

As the last dread words were uttered the prisoner almost sank back in his chair. His face became ghastly in its expression, his lips were compressed, and he seemed to be struggling to repress utterance. There only remained the formality of reading the death warrant and the scene was over.

After the sentence, Stokes' counsel immediately

set to work to procure him a new trial. Their efforts in his behalf gave rise to many legal quibbles and delays, until finally, over a month after the time fixed for the execution had passed by, the case was heard at a General Term of the Supreme Court. The decision of the Court was rendered, May 7, 1873, Judges Davis, Brady, and Fancher occupying the bench. Judge Fancher delivered the opinion of the Court, which was very long and reviewed the various points made by the counsel. The judgment of the Court which convicted Stokes was affirmed and he was denied a new trial.

A NEW TRIAL GRANTED.

The case was then taken to the Court of Appeals for final hearing and decision. Lyman Tremain made a powerful argument in behalf of the prisoner, and produced convincing arguments upon certain points of law ruled upon by Judge Boardman. District Attorney Phelps replied, and after the argument had been exhausted the Court decided to reserve its decision. There was much speculation as to what the final determination would be; when on the 10th June, 1873, the Court of Appeals reversed the decision of the Supreme Court and the news circulated with rapidity that Edward S. Stokes had been granted a new trial. The opinion was delivered by Judge Grover, and the following extracts made from it will show the grounds upon which the court came to such a conclusion.

The counsel for Stokes offered to prove that Fisk, a short time before the occurrence, had made violent threats against him, such as he would beggar him first, and then kill him; I go prepared for him all the time; so sure as my name is Jim Fisk I will kill him; I would kill him as soon as I would a vicious dog. This was objected to by the prosecution and rejected by the Court, to which the counsel for the accused excepted. * * * I think the testimony offered was competent and the exception and its exclusion well taken. The error was one prejudicial to the accused by depriving him of the right to have competent testimony in his favor considered by the jury, and cannot be overlooked by the Court.

"Jenny Turner was introduced as a witness by and gave material testimony for the accused. With a view to impair the credibility of her testimony she was asked by the prosecution, upon cross-examination whether she had not left Mrs. Morse, by whom she had been employed, without her knowledge or consent, and whether she did not take things not belonging to her when she left. The prosecution was permitted to prove, by Mrs. Morse, that her testimony in answer to these questions was untrue, to which the counsel of the accused excepted. This was error. Upon the cross-examination the prosecution had the right, for the purpose of impairing the credit of the witness, to ask questions as to those collateral matters, but having asked and obtained answers, must abide by the answers given; other witnesses could not be called to prove such answers untrue. (Lawrence vs. Baker 5 Wend. 301; Howard vs. City Fire Insurance Company, 4 Denio, 502.) It cannot be said that the accused sustained no injury from this. The direct tendency of the incompetent testimony was to impair

the credit given to the testimony of his witness.

"We think the minutes of the Grand Jury, showing that an indictment had been ordered by that body against the accused upon the complaint of Fisk for blackmailing, were improperly received. There was no proof tending to show that the prisoner had any knowledge of any such action by the Grand Jury. The evidence had therefore no tendency to show a motive of the prisoner for the killing of the deceased. The prisoner had testified that he knew Fisk had been trying to get him indicted for, as he understood, a conspiracy with another to blackmail him; but that, as he understood, he failed to procure one. The prosecution could not give evidence tending to show that the prisoner had been guilty of any other crime than the one for which he was on trial. The only effect of the minutes that I can see was to satisfy the jury that there was evidence of his having committed some other crime of such cogency as to induce the Grand Jury to indict him therefor. The prosecution had no right to give such evidence. Had the prisoner known of the action of the Grand Jury, it would have been competent to show a motive for killing the deceased, and being proper for any purpose there would have been no error in receiving it.

"Numerous other exceptions were taken by the counsel for the prisoner upon the trial to the rulings of the court upon the admissibility of evidence. We have examined these, and arrive at the conclusion that none of them require discussion. Near the conclusion, the Judge charged the jury as follows:—'The fact of the killing in this case being substantially conceded, it becomes the duty of the prisoner here to satisfy you that it was not murder which the law would imply from the fact of killing under the circumstances, in the absence of explanation that it was manslaughter in the third degree or justifiable homicide, because, as I have said, the fact of killing being conceded, and the law implying motive is fully and entirely made out, and therefore you can have no reasonable doubt as to that, unless the prisoner shall give evidence sufficient to satisfy you that it was justifiable under the circumstances of the case.'"

This portion of the charge the court pronounced an error. Judge Rapallo said:

"Argument seems unnecessary to demonstrate the error of this charge. It was a necessary part of the case of the prosecution to establish that the homicide was perpetrated with a premeditated design to effect the death of the person killed; yet the Court, in determining what the circumstances of the killing were, solemnly in-

structed the jury that the fact of killing being conceded, the law implied malice from the circumstances of the case, and that the case on the part of the prosecution was fully made out, and that the jury could have no reasonable doubt as to that, unless the evidence on the part of the prisoner satisfied them that the killing was justifiable.

"The Supreme Court, in sustaining the judgment of the Court of Oyer and Terminer, do not attempt to defend the legality of this charge. On the contrary, the very able opinion of Judge Fancher conclusively demonstrates upon authority that it is at variance with numerous adjudications and the settled law upon the subject. But it is claimed that the error may be overlooked on the grounds that the prisoner was not prejudiced thereby, and cases are cited which decide that where it appears to the Appellate Court, that error has been committed, yet that the error could not possibly have prejudiced the party complaining, it will be made a ground of reversal either in civil or criminal cases.

"That so vital an error as one which should or might mislead the jury on a question as to the party on whom the burden of proof rested could come within a category of those which could not possibly prejudice the determination of the case is utterly inadmissible. Nothing short of unequivocal retraction of that portion of the charge could have removed from the minds of the jury the impression which was calculated to produce. It was the concluding portion of the charge, and all the jury a simple rule for their guidance in their consultation. The fact of killing as they were told, conceded. They further told that it was the duty of the prisoner to satisfy them that this killing was murder. The law implying malice from circumstances of the case, the prosecution was fully and entirely made out, therefore they could have no reasonable doubt as to that, unless the evidence on the part of the prisoner satisfied them that it was justifiable under the circumstances. Their inquiry was thus reduced to whether they were satisfied of the truth of the allegations on the part of the defence.

"Whether under a proper charge the jury would have come to the same determination of the facts rests with the jury. It is for the court to instruct them as to the law, and these they are bound to follow. If erroneous it is the imperative duty of the appellate tribunal to grant a new trial. All the Judges concur.