various animals that are wont to linger around sausage factories also will be brought into court tomorrow, though it is doubtful if many of them are used before the defense begins putting in its evidence. The experts for the defense claim it will be impossible for the State's experts to distinguish between these sesamoids and the one which two witnesses have said was human.

Sesamoid Bone from a Dog.

These sesamoids come from the bodies of young oxen, pigs, sheep, horses, dogs, and cats, or all the animals that possibly could be used in making sausage or soap. The defense will make much of the sesamoid bone from the foot of a dog. It will be claimed by the expert witnesses for Luetgert that the corresponding bone from the foot of the latter animal almost identically resembles that of man, and that the sesamoids from the body of a sheep also have a close resemblance. The defense will not try to prove that the bones identified by the State's witnesses are not human, but that they may be either human or the bones of some lower animal. It will be claimed that the identity of the bones is too uncertain for conviction.

Dr. Walter H. Allport, 85 Rush street, teacher of comparative anatomy in Chicago Medical College, became chief expert for the defense yesterday, and he will direct the cross-examination for the defense tomorrow. As soon as court adjourned Dr. Allport, with the other experts for the defense and Attorney Vincent, went to the Judge's chambers, where they spent nearly two hours looking over the bones which the State had identified. Assistant State's Attorney McEwen acted as custodian of the exhibits.

Bones May Be Human.

"Those bones may be human," said Dr. Allport, after he had looked them over. "I would not swear they are not, but they are just as likely, to my mind, to be the bones of some lower animal. I can't see how any man would want to vote for a conviction with their identity so uncertain. We will show that there are lots of bones just like them from the lower animals. In my mind the identification of the piece of rib was entirely erroneous. The so-called piece of humerus bears the clear marks of a saw or a cleaver. Of course, the State might acknowledge that."

Charles Vincent Bailey was the first witness to take the stand yesterday morning. Assistant State's Attorney McEwen took a little, slender bone, much eaten by alkali, out of a box and handed it to him.

"That is the second metacarpal from a human hand," said the witness as he fingered it gingerly for fear of crushing it.

The skeleton of a human hand and arm were brought out and given to the witness, and he carried it and the single bone to the jury box. He held the bony arm up to view and explained the location of the bit he had just identified.

"It coincides almost identically with the second joint of the middle finger," he said, holding it up to view.

Jurors Examine the Bone.

The jurors in the back row left their seats and crowded about him, and Juror Boyd produced a magnifying glass and carefully scrutinized it. The witness explained more fully the use of the sesamoid bone of the foot.

"This bone differs in the time of life when it appears," he said. "Sometimes it develops in the tendon under the great toe at the sixth year, and sometimes not till late in life. It depends on the individual."

An irregular, ragged-edged bone was lifted out of another box by the Assistant State's Attorney and given to the witness. "Can you tell the jury what that one is," Mr. McEwen asked.

"It is about the size of the head of the third rib in a human being," he said. "This is the articular surface, which connects with the vertebra."

Another bone was handed the witness. It looked like the metacarpal which he had just identified, but was slightly larger.

"That bone is the second phalange of the fourth toe of the right human foot," said the witness.

Surround the Witness.

Judge Tuthill had taken a chair close to the witness and was listening closely. Attorney Vincent, Mr. McEwen, and the court left their seats at the last identification and surrounded the witness while he explained the identity of the bone to the jurors. While the State's witness was helping to make another link in the State's evidence, Dr. Riese, for the defense, was laughing and whittling dry bones into odd shapes to puzzle him with tomorrow.

The last bone which Mr. Bailey examined and identified was a fragment with one edge as round and hard as a billiard ball, and almost as white. It was full of small holes eaten in it by the alkali, however. The witness positively identified the fragment as part of the head of a human humerus, the great bone of the arm. This bone, he also stated positively, had belonged to a small person.

In order to confirm the identification of the bones the State called Robert A. Howes, an articulator of skeletons, formerly connected with the Smithsonian Institution. Howes said he had been handling human bones since 1878. He took up the sesamoid first.

Identifies Bones as Human.

"That bone is a sesamoid from the human foot," he said, and taking up another. "This is the end of the second metacarpal bone of a human hand."

Mr. McEwen gave him the fragment of a rib. The witness looked it over carefully and said emphatically:

"There can be no mistake about its being a human part."

When he was shown the phalange from the foot he said: "There is no other bone like this in the lower animals."

Inspector Schaack was the last witness called. He was on the stand but a short time and his testimony chiefly confirmed that of the officers who had worked on the case. He confined his testimony chiefly to the scene at the vat when the liquid was let out.

This session lasted only two hours, to enable the defense to prepare for the cross-examination of the State's experts. Attorney Vincent asked for an hour's recess, that the defense's experts might examine the fragments of bone that were identified as human, but the request was refused by the court to save time.

EXPERT STILL ON THE STAND.

Charles Vincent Bailey, the Osteologist, Continues His Direct Testimony.

On the opening of court yesterday morning the direct examination of Charles Vincent Bailey, the osteologist, was continued by Mr. McEwen for the State.

Q.—At the adjournment yesterday we had just finished exhibit 12, which you had declared to be a human sesamoid. I will now call your attention to exhibit 13, consisting of several small bones, and will ask you to look at the bone selected from the box marked exhibit 13, and which I will designate as exhibit 13 A. I will ask you whether or not you recognize in that bone anything with which you are familiar? A.—I do.

Q.—Will you state what bone that is, if you know? A.—I think it is a portion of the head of the second metacarpal.

Q.—In the hand? A.—In the hand of a homo.

Q.—By that term homo you mean the hand of a general class of man; is that right? A.—That is the meaning of the designation.

Q.—I will ask you to look at this portion, purporting to be a portion of the human anatomy, and tell me if you know what it is? A.—It is the hand of a homo.

Q.—The hand and arm of the human being? A.—Yes, sir.

Q.—Will take the bone, exhibit 13 A, and stick a pin in front of the wire to indicate upon the hand what part of the skeleton I have just handed you is the place where exhibit 13 A belongs in that hand? A.—I think this bone coincides with that portion (indicating on the skeleton) of this head of the metacarpal bone, here (indicating), only in a much smaller being.

Q.—I will ask you if there is any characteristic feature of that metacarpal bone? A.—Yes, it has a peculiar rounded surface, which is quite characteristic of a human being. The piece we have here appears to coincide almost identically with this portion here.

Court Asks Questions.

The Court—What portion? That is, which finger? A.—The second finger.

The Court—The middle joint of the second finger? A.—No, sir; the top of the metacarpals in the hand here (indicating).

The Court—In the joint next to the hand? A.—Yes, sir.

Q.—Where the fingers join on to the palm of the hand? A.—Yes, that is the metacarpal. There is an indentation here almost identical with this one. That is, the exhibit and the bone in the skeleton are almost identical. This follows around and shows the same surface almost, this portion of the head of the bone here, in the exhibit and in the skeleton.

Mr. McEwen—I next select from exhibit 13, Exhibit 13 contains bones found in the sediment of the vat. The first one we called exhibit 13A, to distinguish it and give it a separate mark; the next bone I will call exhibit 13B. I will ask you whether you recognize in that bone anything which you can describe or know is a part of any skeleton of any animal or man?

Mr. Vincent—These bones are being identified by the witness and the counsel, but the jury has no opportunity to inspect them, and I will ask, as the testimony is given about each one of these bones, that they be passed around to the jury, so that the jury can have an opportunity to inspect them. I now ask that the jury be allowed to inspect and examine this bone they have spoken of as part of the metacarpal bone and which they have called exhibit 13A.

The Court—Let the jury take that bone 13A and look at it. Every one should be careful in handling these exhibits. The sesamoid bone was identified yesterday afternoon.

Mr. McEwen—Yes, that bone was identified as coming from a point between the great toe and the ball of the foot.

The Witness—It comes immediately following the metatarsals.

The Court—The joint of the big toe? A.—Yes, sir.

Mr. McEwen—Regarding the last exhibit, 13A, is this exhibit large or small compared with an average human being? A.—It is small.

Q.—How small, comparatively speaking, and would you say in your judgment that I was a bone from a small person? A.—A very small person or medium-sized person.

Q.—Or can you form any opinion as to the size of the person from whom it came, speaking comparatively? A.—Yes. I should say it was from a small person.

Develops After Birth.

Q.—Turning back a moment to the subject of the human sesamoid bone, I want to ask you when that bone appears in a human body, is it found at birth or subsequently? A.—It develops subsequent to birth.

Q.—At what age in life do the sesamoid bones usually appear in the human foot? A.—That is a pretty hard question, for this reason that individuals will differ, and there is a great difference in the development of persons. It might appear in a person as young as 6 years of age.

Q.—And then again how late might it be found or appear? A.—Three or four years later.

Q.—Now, calling your attention to the bone, Exhibit 13 B, will you state whether you have formed any opinion from your examination as to its location in any body? A.—It looks like a portion of the head of a rib from the left side.

Q.—Can you determine as to the size of the rib from which that bone came? A.—That bone came from a rib about the size of the third rib in a homo.

Q.—Will you describe just how that portion of the rib would be attached in a man or homo? A.—It attaches in between the two vertebræ. The tubercle comes up and attaches to the bridge of the transverse process.

Q.—What is the meaning of the transverse process? A.—This is the process extending out laterally from the bridge of the vertebræ.

Q.—Can you describe, referring back to Exhibit 13, of what looks like the end of the third human rib, will you describe as nearly as you can the transverse process into which this fits or is attached? A.—That could not attach to the transverse process. That portion [indicating the bone] could not attach to the transverse process.

Q.—Just show the jury how the connection would be made. A.—There are two vertebræ coming together; a double facet appears in between the two vertebræ.

Q.—Explain to the jury what you mean by facet. A.—That is the articulating surface.

Q.—Did that articular surface come in between these vertebræ? A.—Yes. Then the ribs pass up in connection with their fastenings and then there is the surface which comes out here and attaches with the transverse process of the rib or of the vertebræ.

Q.—Now, the transverse process is a sort of a projection? A.—A projection from the bridge of the vertebræ, and there is a facet or articular surface which fits on the tubercle.

Portion of the Toe.

Q.—Will you look at this exhibit described as exhibit 13 C, and state what your judgment is regarding that bone, if you have an opinion? A.—I think that this bone came—that this bone is, rather, a phalange, that is, the second phalange of the fourth toe of the right foot in a very small homo.

The Court—Q.—What do you mean by a very small homo? A.—An infant would be a very small homo. A.—It would; but I mean a very small adult homo.

Mr. McEwen—Q.—Will you step down here before the jury, Mr. Bailey, and indicate upon this skeleton of a foot, which has been produced yesterday afternoon, indicate upon this foot where the bone you have described belongs in a human being?

Mr. Vincent—Let the record show that the foot and leg of a skeleton is once more shown the jury, over the objection of the defendant by his counsel, on the ground that it is incompetent, irrelevant, immaterial, and improper, and prejudicial, to try a murder case by comparison.

The Court—Your objection will be overruled, and you will be allowed an exception to the ruling.

Q.—What did you say this was? A.—[Referring to skeleton.] This is a very large male foot of a homo. This appears to coincide except that it is from a small adult person as compared with this one here [referring to the exhibits and the skeleton]. We have in the skeleton the two facets peculiar to the homo, and the peculiar rounded facet at the end similar to the one here.

The Court—Which is that you are referring to? A.—Right at the end of the toe.

Mr. McEwen—Q.—Describe the distinctive features of the bone exhibit 13 C, if it has any such distinctive features? A.—The facets in themselves are almost distinctive of the right foot, inasmuch as they slant inward toward the great toe.

The Court—Q.—Which toe did you say that exhibit is? A.—The toe next to the little toe.

Mr. McEwen—Q.—And the next joint to the end, on the right foot? A.—Yes.

Bone from a Homo.

Q.—Are there any other distinctive features to that bone besides the ones which you have enumerated—namely: Those of the facets which you have just described? A.—The whole structure of it shows that it is in all probability a bone from a homo.

Q.—Will you look at this piece of bone, identified in the testimony of Professor Delafontaine as coming from the street in front of the house, and which I will designate as exhibit 13 D, and I will ask you whether you have any opinion regarding the identity of that bone or its resemblance to anything in the bones of an animal or man? A.—It is a portion of the head of a humerus.

Q.—Which bone is the humerus? A.—I mean the forearm. A big, heavy bone in the male arm joins with the scapula—in the animal, of course, the one that joins with the scapula of the front leg.

Q.—The scapula is ordinarily called the shoulder blade? A.—The shoulder blade—yes.

Q.—Now will you indicate on the subject here the arm, the forearm, and hands produced here where that piece of bone belongs?

Mr. Vincent—Let the record show that the skeleton is again exhibited to the jury over the objection of counsel for the defendant, Luetgert, and that a comparison is made by the witness with the skeleton and the exhibit in the presence of the jury.

The court—The objection will be overruled.

Mr. McEwen—The witness indicates the top of the humerus. Q.—Are there any distinctive features to that bone? A.—There is a small portion of an indentation, in which the heavy cartilage which joins it to the shoulder blade fixes on.

Q.—Regarding the size of exhibit 13 D, what is your opinion as to the size of the person from which came this bone, if you have an opinion, comparatively speaking? A.—That bone came from a small person, a small adult.

The State turned Mr. Bailey over to the defense for cross-examination. Mr. Vincent asked time that he and the experts for the defense might examine the bones, and the witness was instructed to return at 9 o'clock Monday morning for cross-examination.

ROBERT A. HOWES TESTIFIES.

Another Expert for the State Identifies the Bones in Evidence as Human.

Robert A. Howes testified to his experience in handling human bones, and that he was able to distinguish them. His examination was conducted by Mr. McEwen.

Q.—Will you look at the bone which has been produced here as People's Exhibit 12, and state whether you can say, or have an opinion regarding the identity of that bone? A.—Yes, sir.

Q.—What is that bone, if you know? A.—That bone is the sesamoid bone from a human foot.

Q.—Can you state regarding its size, its comparative size, as compared with the sesamoids of the human foot? A.—It is small in size, comparatively.

Q.—Will you step down here in front of the jury and indicate upon the skeleton foot which has been produced here, indicate the place where the

WITNESS ROBERT A. HOWES.

sesamoid bone belongs in the human foot, so the jury can understand it? A.—[This acts as a slight lever over the surface of the bone, in this way (indicating by passing the exhibit bone over the skeleton).

Q.—It acts as a sort of ball-bearing? A.—Yes, you might say so.

Q.—Now, will you look at the Exhibit 13 A, and state whether or not you have an opinion regarding the identity of that bone? A.—Yes. This is the end of the second metacarpal bone of the hand.

Q.—Will you step down in front of the jury and for the purpose only of indicating the position of that bone in the human hand, indicate upon the skeleton hand produced here in court how the exhibit bone operates?

The witness indicated the function of the bone by pointing to the end of the metacarpal in the second finger, the joint at the place where the finger attaches to the hand.

Q.—It is the end of the metacarpal bone? A.—Yes, sir.

Q.—Will you step down to the table again for the benefit of these gentlemen on the other side and indicate to them, as you did before the jury?

The witness did so, and Dr. Alport took issue with the statement that it was the end of the second metacarpal, and after a quiet controversy the witness changed the location of the bone from the second to the third metacarpal in the skeleton, and then resumed the stand.

Q.—Now, Mr. Howes, in speaking of this bone and in describing it I excluded the thumb, in calculating as to the second finger, in your testimony. How are the metacarpal bones ordinarily numbered? A.—From the thumb.

Q.—Counting the thumb as one? A.—Counting the thumb one. The index finger is second and the middle finger third.

Q.—Exhibit 13 B I will show to you and ask your opinion, if you have any on the subject as to the identity of that bone? A.—This bone is part of a human rib.

Q.—Where does it belong? A.—It is about the fourth or fifth, numbering down, from the thorax.

Q.—Will you describe which end it is and where located, and what it connects with, if anything? A.—It is on the right hand side of the thorax, it articulates with the second vertebra, with the demi-facet for each one.

Q.—Are there any distinguishing features of that bone? A.—There can be no mistake about that being a human rib, or part of a human rib.

Q.—From what features of the bone are you able to form the opinion which you have expressed and give that as your judgment? A.—From the density of the bone and the general character and shape of the bone.

Q.—I call your attention to Exhibit 13 C and ask you for your opinion or judgment, if you have any, regarding the identity of that bone? A.—That is the second tip of the fourth toe of the human foot.

Q.—Will you step down and in the presence of the jury indicate upon the foot of the skeleton produced here the place where that bone belongs in the human foot? A.—Here it is, at the end towards the foot, towards the ankle. It is the second tip, counting from the end towards the ankle.

Q.—What are the characteristics or features of that bone, if any, which lead you to your judgment? A.—There is no other bone like it in the lower animals.

The Court—What do you mean by the lower animals? A.—Domestic animals.

Mr. McEwen—I will ask you to look at this bone, which I will designate as Exhibit 14, and state whether you entertain an opinion as to the identity of it? A.—It resembles the humerus, the upper part, or it might be a part of the femur, upper part of the femur.

Q.—Of a human being? A.—Yes.

INSPECTOR SCHAACK IS HEARD.

Police Official Testifies to the Identity of Articles Offered in Evidence.

Inspector Michael J. Schaack was then called by the State, and examined by Mr. McEwen. He testified that he had been a police officer for twenty-eight years, and an Inspector for over six years. He commenced the investigation of the Luetgert case May 9 or 10.

Q.—Have you ever visited the sausage factory of A. L. Luetgert, the defendant? A.—I did.

Q.—When did you first go to that factory? A.—On May 15, in the afternoon, about 3 o'clock.

Q.—Who was with you, if any one, when you went to the factory on the afternoon of Saturday, May 15? A.—Captain Schuettler, Officer Dean, Officer Qualey, Officer Kinley, and Frank Stalk.

Q.—What did you do upon entering the factory? You may proceed and state; and to begin with, state where you went in, where you went to, and what you did. A.—I looked over the grounds there, and we went down into the basement to the middle vat.

Q.—What did you find at the middle vat? A.—I found the middle vat about half full of water.

Q.—What sort of appearing water? A.—The water was brownish. I took some of it up in my hand and let it run off, and we could see by the light of the little window there to the south of the vat, and I should say it was brown water. I took some of the water in my hand, and dripped it off, and I could see it was brown. We were all standing around the vat then. I asked some one to bring me a stick or something, so I could feel around in the vat, and some one handed me a kind of scraper, and I felt all around over the vat, through and through. I was looking for a place to let off the water, and I saw in the northwest corner of the vat a plug, and I kicked that out and let the water run out. I stood there and watched it, and now and then I could see some substance in the water flowing out, and I saw a lot of bags lying around there, lying on a box on the end of the next vat, on the east vat from there, and I told one of the boys to hand me one of the bags, and he did, and I took it and shoved it in under the bunghole of the vat and let this water from the vat run onto the bag. After the water ran out pretty nearly half I told one of the officers to get some bottles, and we filled one bottle of the substance, fluid substance. The water then pretty near came out in the end, running off, and I got a pitcher, and then the stuff was coming pretty thick, and I filled that with the thick stuff in the vat. Then I changed the bag, put another bag under the bunghole of the vat, and let it run as much as it could. And then it appeared that the vat was hanging a little to the east, and we could not get it all out.

Sees a Slimy Substance.

Q.—That is, you mean the vat was tipped to the east? A.—Yes, so I told the boys to raise it up, and they raised it up probably three inches, and we got a broom and swept out all we could of the stuff in the vat towards the bunghole, and I told one of the boys to go and get in the vat; why didn't he jump in to see if anything was there? And as he got in I saw there was a slimy substance.

Q.—What did you do? A.—I told him to get out again. I told him it would burn his boots.

Mr. Vincent—I move to strike that out; and now, Inspector Schaack, you know that is not proper you have been a witness enough times to know that.

The Court—Well, the man got out of the vat. A.—Yes, he got out. And I sent one for some candles, and we lit the candles, and while Officer Dean and they were searching around the place Officer Qualey held a candle for him.

Q.—Qualey was not in the vat? A.—No, sir. We got more candles, and then it seems every one had a candle, looking around. By this time the stuff was all out of the vat, and I took one of the bags and brought it before the window and laid it down, and while I was examining it I found a piece of bone about the size of that [indicating end of thumb]. While I was examining that bone I heard Dean say: "Hello, here are some rings," and he handed them over to me. I took the rings then, and they were all covered with slime, and I took out my handkerchief and cleaned them. I cleaned the rings and brought them to