

PRETTY FLORENCE McCUSKER ARRAIGNED, ACCUSED OF KILLING HER HUSBAND

Creates a Favorable Impression During the First Day of Her Trial in the Camden County Court.

SHE TELLS A WOEFUL STORY ON THE STAND

Says Her Husband Had Been Drinking and in the Struggle for a Revolver She Carried in Her Hand the Weapon Was Discharged With Fatal Effect.

Mrs. Florence McCusker, the central figure of Camden's latest murder trial, has undergone the first day of the terrible ordeal that threatened her life, and has come off with greater success than even the most sanguine had expected.

Charged with the murder of her husband, Michael McCusker, who died in Cooper Hospital on the morning of November 10, 1937, from a bullet wound received during a family quarrel on the previous evening, she faced the jury that is to decide her fate, and sat calmly in the dock and listened while the case of the prosecution dwinded until the State's Attorney finally announced his evidence all in and stated that he did not consider the question of first degree murder involved in the indictment. The court acquiesced in this opinion and agreed that the jury will be so instructed.

Clad in conventional widow's black, with a long, sombre crepe veil forming a becoming background for her expressive, tear-stained face, the little woman sat all day, intently interested in the developments of her trial, or conversing with her counsel, and the afternoon adjournment found her upon the witness stand, telling the jurors, between her sobs, and uninterrupted except by a tardy stenographer, a straightforward and convincing story of the events that led up to the fatal quarrel, and how her husband met his death.

INFLUENCED THE SPECTATORS.

When she was excused for the day she had succeeded in her own behalf more admirably, perhaps, than could be expected of the most learned legal pleader.

What will be the result cannot be told, but the abandonment of the first degree indictment by the prosecution insures her against the gallows and the general opinion last night anticipated absolute acquittal. The public generally was greatly surprised that no effort was made to introduce McCusker's ante-mortem statement made in Cooper Hospital before a Camden notary public. When questioned as to the omission, after court had been adjourned, Prosecutor Jenkins denied that he knew of such a document.

It was five minutes past ten o'clock when Justice Garrison and Judges Miller and Armstrong took their places upon the bench. The prisoner had already been brought in by Under-Sheriff Sell and beside her sat her counsel, ex-Judge John W. Vescott, Francis D. Weaver and Ralph Douglas. Prosecutor Jenkins, with Assistant Prosecutor Carson, appeared for the State and immediately moved the indictment for murder against Mrs. McCusker.

THE JURY DRAWN.

The jury panel included forty-eight names and forty-seven of these were exhausted when the acceptable twelve were found. The examination of jurors was without special incident, the challenges being for the most part of a merely formal character. Two were excused because they declared themselves opposed to capital punishment. Among those accepted, Edward Norcross was foreman of the Shaw jury.

The jury finally sworn was composed of the following: Robert F. S. Heath, Second ward, Camden, a business man, foreman; Edward Welser, Winslow township, a farmer; Thomas C. Hart, Fifth ward, Camden, a salesman; Jesse Price, Gloucester township, a farmer; Lewis Listine, of Waterford; George W. Ware, of Winslow, a farmer; Millard F. Shinn, Second ward, Camden, a gravel roofer; Robert Tomlinson, of Gloucester township, a farmer; Edward

P. Sickler, of Gloucester township, a farmer; Adam Marshall, Second ward, Camden; Edward Norcross, Gloucester township, a farmer; Isaac Ferris, Jr., Fourth ward, Camden, a shoe manufacturer.

At 11:30 o'clock the Prosecutor read the indictment and began his address to the jury. He spoke about fifteen minutes and in a moderate tone that indicated no animosity. During this speech the prisoner gave the first evidence of the emotion that later threatened to overcome her, and she wept bitterly when the Prosecutor declared his intention to prove her a murderer. He began by detailing the incidents that followed the discovery of the dying man, lying in the hallway of his home and how he was taken to the hospital, where he subsequently died. McCusker did not come home at the usual time that evening, he said, and the wife went after him. She found him at a barber shop and waited until he came with her. Here the prisoner shook her head in positive denial.

At the supper table, he charged her with infidelity and they afterwards had a quarrel. He left soon after on his bicycle and returned at 10 o'clock and found the door locked. He called to her to let him in and from an upper story window, she told him that she would when she got ready. Then he broke open the door, and as he entered, he was met on the stairs by his wife, who carried a revolver in her hand and with which she shot him, subsequently hiding it under the ice-chest in the kitchen.

County Physician Dr. W. S. Jones was first called and testified to having performed a post mortem examination upon the body of McCusker on the day of his death. He found a bullet wound in the abdominal cavity. Dr. Sensemman, Resident Surgeon at Cooper Hospital, substantiated Dr. Jones' testimony.

SMITH'S TESTIMONY.

Clarence Smith, who pointed with Continued on Sixth Page.



MRS. FLORENCE McCUSKER ON TRIAL IN CAMDEN

The pretty prisoner in different poses—Other figures prominent in the latest murder case over the river.

MRS. McCUSKER'S TRIAL

Continued From First Page.

the McCuskers at the time of the tragedy, was none when the shooting occurred. He came in between 6 and 6.30 o'clock, and met Mrs. McCusker going out. She returned before 7 o'clock, and it was some time before her husband came. They had been at supper. He saw McCusker drink, but didn't remember that his wife drank any. After supper he heard them upstairs, apparently quarreling. McCusker came down stairs and left the house. Smith then went up to his room and heard nothing until the door bell rang.

He heard the window open and heard talking. Then there was a noise caused by breaking in the front door and he heard Mrs. McCusker go down stairs. There was a scuffle and a shot. When he went down stairs, McCusker stood in the doorway fumbling with his clothes. Asked what was the matter, he said he was shot and asked to go to his mother's. Mrs. McCusker said: "For God's sake, go get Dr. Baer!" This Smith did and when he returned the patrol wagon had arrived and several persons were in the house.

Under cross-examination by ex-Judge Wescott, Smith said that McCusker bought the revolver last fall. It was usually in the house, in the sideboard or bureau drawer in day time and under McCusker's pillow at night. It was loaded. Mrs. McCusker almost always called her husband "dear" or "Rogers." When McCusker started for the beer for supper, his wife objected, saying, "You have enough." He had been drinking.

Mrs. McCusker at first seemed dumfounded, then became hysterical—crying and wringing her hands. He never saw McCusker strike his wife, but knew him to handle her very roughly. Once he heard them quarreling and afterwards saw that her face was scarred. One night when they had been out together he came in first and locked her out. Finally he let her in and then tore her skirt off and cut her waist. The knife also penetrated her arm, which bled profusely. He abused her continually, Smith said.

Policeman Steen, who went to the house after the shooting, and called the patrol, said that McCusker said to him, "I am shot." "Oh, don't say that, Mike," his wife said, to which he responded: "Yes, my wife shot me!" Steen became evidently confused under cross-examination and admitted that he found McCusker with pillows under his head and that he was as comfortable as he could be made. Mrs. McCusker was worried and wanted to get the doctor.

At the hospital she said that she didn't know how the shooting happened. Attorney Wescott caused much merriment among the spectators before he excused Steen by the following dialogue: "Is that all she said?" "Yes." "Is that all you said?" "Yes." "Well, that's all I said."

Chief of Police Dodd was next called and identified a revolver as the one found in the house. It is self-acting and 32-calibre. At the request of counsel he removed the loaded chamber, during which operation Mrs. McCusker's countenance showed great agony, as if in terrible fear of the weapon.

Testimony already produced was then substantiated by Harry E. Laird and John H. Test, who were passing the house soon after the tragedy. In describing Mrs. McCusker's actions Laird said "she went on like a frantic woman." William Stass, who is the husband of McCusker's sister, met Mrs. McCusker on the street soon after the tragedy. She was greatly excited. Questions as to infidelity were not allowed, and he did not know of his own knowledge of any quarrels between the husband and wife.

William Pharo was playing pool across the street when the shot was heard. About fifteen minutes later Mrs. McCusker ran in and asked that somebody go for a doctor. Mike was shot, she said. Pharo was the first person to go into the house. When he entered McCusker was lying in the entry, his wife standing over him, crying and greatly agitated. Pharo asked him who shot him. He said it was his wife. She knelt over him and said: "Mike, you know it was an accident." "Yes," he replied, "I know it, but for God's sake go for a doctor."

The prosecution then attempted to prove that the prisoner had made threats against her husband by Mrs. William Stass, the dead man's sister. She said she had heard such, but was so unsatisfactory in her explanation that all but her direct answer was ordered stricken out by the court. The statement made by Mrs. McCusker in the Mayor's office after her arrest was detailed by A. G. Stackhouse, the Mayor's clerk, as follows:

She took the revolver from the bureau drawer to put it under the pillow, she said, when the door was broken open, and she went down stairs with it in her hand. She stood between her husband and the china closet, when a scuffle ensued, and the revolver was discharged. She didn't know how it happened. Under cross-examination he said there were no persons present but the Prosecutor and himself, and no written statement was made.

With the dismissal of Ella Warren, who lived with the McCuskers four years ago, and who has not visited nor met either of them since, the prosecution rested after the formal announcement that the first degree indictment had been abandoned.

Attorney opened for the defense in a brief speech, the burden of which claimed that the shooting was purely accidental. Mrs. McCusker hurried down stairs, not realizing that she had the revolver in her hand and in the scuffle that ensued it was discharged.

Attorney Wescott immediately called the defendant to the stand, and she now appeared in danger of breaking down entirely. When she had recovered composure somewhat, he led her to tell that she is twenty-five years old, has been married about four years and has lived in various houses, but continually in Camden.

Then she continued her story without being questioned and told how she had taken her husband's overcoat to hunt for him on the evening of the tragedy because it was cold and he was not strong. She found him at a barber shop and he promised to come home right away. He did not return until 8.30 o'clock, however. He had been drinking and they always quarreled when he was in liquor. After supper she went to him up stairs. He sat on an easy chair, reading a paper. She playfully took it from his hand and sat on his lap—put her arms about his neck and kissed him. He accused her of infidelity and finally left.

When she encountered him in the hall when he came in at 10 o'clock he said, "I'll begin here," and stated that he would show her how to break up housekeeping. "I'll fix you!" he exclaimed, and raised his hand to strike her. When she threw up her arm to defend herself he saw the revolver and tried to take it away from her, when it was discharged. "My God!" he cried, "I'm shot."

She did not believe that he was shot, and he showed her a stream of blood on his shirt. "Oh, pet, I'm dying!" he groaned, then asked her to promise always to remain his widow. She put her arms about his neck and begged him to have courage, that the doctor would be there soon. Then she lowered him to the floor and brought pillows from the parlor and put them under him.

When she picked up the revolver from the floor and left it on the table he said: "Don't put it there; hide it." She asked him where to put it and he said "under the ice chest."

Court then adjourned, with the defendant on the stand, until 9.30 o'clock this morning.