

# FORCED TO RUN AWAY

## MRS. WISCHNEWETZKY PLEADS FOR HER CHILDREN.

**The Daughter of "Pig-Iron" Kelley Tells the Court Her Husband's Actions Were So Cruel They Drive Her from Her Home—Other Testimony in the Habens Corpus Sui Brought by Dr. Wischnowitzky to Gain Possession of His Little Ones—Life of the Couple in New York.**

A case involving New York people of prominence that promises to reveal a long series of domestic infelicities of a particularly distressing nature was commenced yesterday morning in Judge Baker's court. Dr. L. Wischnowitzky, a Russian physician and surgeon of New York, has commenced habens corpus proceedings against his wife, Florence Kelley, Wischnowitzky, a daughter of the late William D. Kelley of Pennsylvania, widely known as "Pig-Iron" Kelley, for the possession of his three children who have been living with their mother in this city since Dec. 28, 1891.

Mrs. Wischnowitzky alleges she was forced to leave her home and remove to Chicago without telling her husband of her whereabouts, because of his inhuman and brutal conduct toward her. She claims that on account of her husband's language and manners in his own home she considered that to remain longer with him was dangerous to the moral and physical welfare of the children. It was only recently that Dr. Wischnowitzky has been able to locate her.

Mrs. Wischnowitzky first met her husband in Switzerland ten years ago while abroad finishing her education. At the time of their first acquaintance Dr. Wischnowitzky was also completing his study of medicine. Out of their acquaintance grew the marriage which took place in 1884, following which they removed to New York City, where they have lived until last December, when Mrs. Wischnowitzky found it necessary to come to Chicago in secret. Her children are Nicholas, 6½ years old, Margaret, 4 years old, and John Brown, 2 years old. From the time of their arrival in Chicago until New-Year's night the children were cared for at No. 1080 West Taylor street. Since that time they have been at the house of friends in Winnetka, while Mrs. Wischnowitzky has found employment at the Hull House.

### A Highly Educated Woman.

She is a finely educated woman, and during the greater part of her married life she is said to have contributed to the support of her family by making English translations of French, German, and Italian novels. She also speaks the Swedish language fluently. Her reply to the writ of habens corpus is that she is more capable than her husband of caring for her children, and the testimony which she will bring forward is intended to prove to Judge Baker that she is better fitted to have the custody and support of her children than the husband.

If Dr. Wischnowitzky's character was accurately reflected by yesterday's testimony, he is certainly a most peculiar man. In appearance he does not resemble a tyrant. He is a pleasant looking man with heavy red mustache and beard. His hair is brushed straight back, revealing a broad, intellectual forehead. Although he has lived in the United States almost ten years he speaks the English language with apparent difficulty, and he seems to have the same trouble in understanding it. His manner is decidedly that of a foreigner. He is said to possess much ability as a physician.

The morning session of the court was consumed in the hearing of the opening statements of the attorneys who are in charge of the case, and in the reading of the depositions of New York witnesses. The deposition of Mary Murphy, a servant, brought out the testimony that while the doctor had always treated the children with the strongest signs of affection, he had frequently called his wife hard names, and was in the habit of becoming greatly enraged on small provocation. The testimony of other servants taken in New York went to corroborate that of the first witness.

An interesting feature of the morning's session was Dr. Wischnowitzky's meeting with his children. He seemed to be greatly affected when they first entered the court room. Taking the two eldest upon his knees he pressed them to himself and kissed them again and again. The youngest, however, seemed to prefer the society of the people with whom he was living. When it came time for them to leave the court room they crowded about their father, and it was only with difficulty that they were led away.

### What the Nurse Told.

Clara McDermid, a nurse, was the first witness who was put on the stand. She said the doctor was violent in his actions and inclined to quarrel, no matter on what subject. She had heard him call his wife vile names and they were repeated so frequently that they came to be used by the children in the nursery. On two occasions she had known of the doctor's striking his wife in the face, and a few days after one of their quarrels she had noticed that Mrs. Wischnowitzky's face was bruised and discolored. At another time Mrs. Wischnowitzky had requested her to remain in the room while the doctor was present. Whenever Mrs. Wischnowitzky asked him for money or ventured to address him in the English language the doctor was in the habit of flying into a rage during which he made use of vile names and vented his anger by stamping. The witness testified as to the wife's forbearance and her care of the children and the duties of her household.

William D. Kelley Jr., a brother of Mrs. Wischnowitzky, took the stand in the afternoon in the interest of his sister. He told how Dr. Wischnowitzky had established a medical institute in New York City, depending upon W. D. Kelley's financial backing to make it a success. After Judge Kelley died the witness had advanced \$20,000 toward fitting up the institution, demanding one-half the income from the New York institute as his interest. This demand threw the doctor into a violent rage in which his notions were such as to cause the witness to cease all further contributions. From that time he had given the doctor only such a portion of the income from his father's estate as was required by the agreements that had been previously made. Mr. Kelley explained at length the relations that existed between the doctor and Mrs. Wischnowitzky's family.

### Mrs. Wischnowitzky on the Stand.

Then came the sensation of the day. Mrs. Wischnowitzky took the stand and told the story of her married life. She said she had become acquainted and had married the doctor while a student in Switzerland. He was without an income at the time and depended for his support upon the money which she received for correspondence with the Philadelphia Times, and for back translations of French and German novels into the English language. From the first she had borrowed money from her friends until her means of credit were almost exhausted. The doctor was naturally extravagant in his habits and frequently ordered elaborate dinners from Delmonico's.

Dr. Wischnowitzky never was violent in his actions toward his wife until 1887, a short time before their last child was born. Previous to this time he had often showed a violent temper upon the least provocation, but his wife attributed it to worry occasioned by his efforts to establish his medical institute rather than lack of affection for his household. In December, 1887, during one of his violent spells, the doctor raised a heavy vichy bottle and exclaimed, "Get out of the room, I'm afraid I'll do something terrible to you."

During all this time Dr. and Mrs. Wischnowitzky lived in a handsome house in Seventy-sixth street, which was almost entirely maintained by Mrs. Wischnowitzky's earnings and what money was advanced from her father's estate. She had rented a less pretentious residence in Harlem in order to live within her means, but the doctor felt that he should live in a more aristocratic neighborhood and blamed his wife with endeavoring to work his downfall. At this time she devoted her entire attention to literary work as a means of support. The doctor's treatment of her was shameful and was constantly becoming worse. In July, 1889, the family moved into the house on Seventy-second street, the payment for which was reluctantly guaranteed by her father.

One day shortly after their removal to Seventy-second street Dr. Wischnowitzky came home in a violent temper.

He remained so all day and in the evening started for the cupboard in which he kept his medicines, saying he was going to kill himself. Mrs. Wischnowitzky attempted to place herself in front of him, whereupon he struck her several times in the face, the marks of which were noticeable for several days. The next occasion upon which he struck her was Jan. 9, 1891, the anniversary of her father's death. During a fit of anger that day he reproached her and her family in the most violent language, until she could bear it no longer. She left her children in the house and went out upon the street, scarcely knowing what she was doing. The doctor followed her, calling her the vilest names. Finally she found herself in Eighth avenue. Then she became calm and retraced her steps to her home. During the time of her husband's anger he struck her in the face and the marks did not disappear for many days. At another time he struck her in the face while they were walking on Fifth avenue. Just before Christmas, 1891, he struck her in the face three times with his clenched fist.

Mrs. Wischnowitzky said that finally she could bear her ill-treatment no longer and she fled to Chicago in secret with her children for the purpose of getting them out of the tainted moral atmosphere of the father. She expressed the assurance that if allowed to retain control of her children she could easily provide for them.

This closed the direct testimony and the case was adjourned until 10 o'clock today. This morning's session will probably be consumed in Mrs. Wischnowitzky's cross-examination, after which Dr. Wischnowitzky will be placed upon the stand.