

NIGHT EDITION

STEPHENSON ON TRIAL

Five Jurors So Far Secured to Try the Ex-Police Captain for Bribery.

FRUIT CAUSED HIS DOWNFALL. Indicted for Accepting Peaches and Apples in Return for Sidewalk Privileges.

SLOW WORK FILLING THE BOX. Talesmen Admit Having Formed Opinions from Reading the Lexow Proceedings.

CAPT. STEPHENSON'S JURORS. No. 1.—Joseph Gross, advertising agent, 33 Murray street.

No. 2.—Samuel Warwick, truck dealer, 40 West One Hundredth street.

No. 3.—Thomas McKeon, retired builder, 13 East Twenty-ninth street.

No. 4.—Percus Loewenfeld, furnishing goods, 782 Third avenue.

No. 5.—Charles P. Armstrong, Jr., importer, 2 West Seventy-fifth street.

The four packets of peaches and one barrel of apples with which it is charged that ex-Police Capt. John T. Stephenson was bribed by Fruit Dealer Martin N. Edwards, who was first brought out before the Lexow Committee, is the basis of the indictment against ex-Capt. Stephenson, and the present of apples and peaches, which was made on Sept. 15, 1914, was, it is alleged, the consideration for which the merchant was allowed to violate the city ordinance prohibiting the obstruction of the sidewalk with merchandise.



POLICE CAPTAIN STEPHENSON. The testimony of Fruit Dealer Edwards, which was first brought out before the Lexow Committee, is the basis of the indictment against ex-Capt. Stephenson, and the present of apples and peaches, which was made on Sept. 15, 1914, was, it is alleged, the consideration for which the merchant was allowed to violate the city ordinance prohibiting the obstruction of the sidewalk with merchandise.

Crowd in the Court-Room. The court-room of Over and Termer, where Justice Ingraham was sitting, this morning was crowded with interested spectators. Ex-Capt. Stephenson and his counsel, Ira Shaffer and ex-District Attorney John Vincent, were among the earliest comers, and the lawyers for the defense admitted that they were prepared for a long and bitter fight.

Col. Fellows and Assistant District Attorney Lindsey were there to represent the prosecution, and associated with them was ex-Assistant District Attorney Jerome, who has been assigned by the Lexow Committee to watch the proceedings and render what assistance he can during the progress of the trial.

Metalyze Chosen by the LXX. One of the queer things about the trial is the fact that the Committee of Seventy has selected Assistant District Attorney Metalyze to be one of the prosecuting officers, and insisted that he shall be present during the entire proceedings.

Mr. McIntyre professes to be ignorant of the motive of the LXX in making him one of the counsel for the prosecution, and reasons that because he has become one of the Goo Goo. He was on the stand this morning and sat with Col. Fellows and Mr. Lindsey being the incident against Capt. Stephenson does not mean anything about the charges made by Honorable Byrne, whose testimony was given in the trial on a month for allowing him to use the sidewalk in front of his place, which was made on the day the case was before the Police Commission.

HACKMEN VS. THE POLICE.

They Threaten to Go Before the Lexow Committee.

There was a hearing before the Law Committee of the Board of Aldermen this afternoon upon the proposition to pass an ordinance to permit one cabman to stand at any corner in the city. Alderman Oakley presided, supported by Aldermen Lantry and A. Smith, of the Committee. Vice-President Noonan and Alderman Muh were also present.

The passage of the ordinance is advocated by the Public Hack Owners' Union, while the New York Hotel Association and the Livermen oppose it.

George A. McDermott, counsel for the Union, led off with an argument for the resolution, declaring that the hotel-keepers and livermen had no right to a monopoly of the street.

Those who present were Mr. Merrifield, President of the Association; Mr. Hittcock, of the City Committee; Mr. Breslin, of the City Committee; Mr. Hammond, of the Murray Hill. The livermen were formally represented at the hearing, but William H. Seash and other well-known members of the guild were absent.

The windup was exciting. Committee-man Byrne denounced Mr. Bull's assertion that the hotel-keepers should exercise any "control" over the hackmen, and said that power should reside only with the police. He denounced the police for being in league with the livermen.

"Why at the time of the horse show," he shouted, "the police would not let a public hackman pass through the streets about the Garden, and the public hackman tries to pass through the side street by a big hole, the police often refuse to let him pass, and he is forced to go about."

At the hearing some of the hotel proprietors told an "Evening World" reporter that the hackmen would go to the Lexow Committee if the police ill-treated them.

The members of the union are anxious to see the new York City Police Commission, but each hackman is afraid to incur the enmity of the police by testifying.

A BREWER CUTS HIS THROAT.

Henry Elias, Jr., Attempts Suicide While Sick and Inane.

Henry Elias, Jr., thirty-seven years old, of 41 East Fifty-seventh street, and Vice-President of the Elias Brewing Company, attempted to commit suicide at 4:30 o'clock this morning at his home by cutting his throat with a knife.

It is said that he has been suffering from rheumatism and temporary insanity. He was attended by Dr. McLaughlin, of 23 East Fifty-seventh street, and Dr. Greenough, of 307 East Fifty-seventh street.

He was found in a rooming house, probably by a neighbor, who called a doctor. He was taken to the hospital, where he is now lying in a rooming house, where he is being attended by a doctor.

Samuel Untermyer, a lawyer of this city, who is in Germany at the time, probably of the chief captives, had Moeller and Mrs. Albrecht, Elias's school teacher arrested for abduction.

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WANT TEN MONTHS.

Dunraven's Proposal to Waive the Usual Notice Rejected.

Cup Committee Cabled Its Ultimatum To-Day.

Their Decision Not Firm and Leaves Room for Later Changes.

The America's Cup Committee met today at noon in the office of the Chairman, ex-Commodore James D. Smith, on Broad street. They went at once into discussion of the proposal made by Lord Dunraven, who is now in the city, to waive the usual notice in connection with the challenge.

That the communications received from Lord Dunraven occupied their attention up to 2.45, when they adjourned for lunch, and were again taken up with avidity after a half hour's respite.

The Committee finally concluded its session at 4 o'clock. The result of the meeting is contained in the following telegram sent to Lord Dunraven:

"We agree to no condition as to holding the Cup, but we will accept the challenge. We must adhere to the ten months' notice from Dec. 6, but will advise you of any change as it becomes known. We must leave all other unsettled questions until after the race."—JAMES D. SMITH, Chairman.

A rumor prevailed that the challenging committee of the new York City Police Commission, which it is said, has caused the Committee to hesitate.

It is said that while American yacht builders are able to construct a vessel more rapidly than the Scotch builders, the Scotch builders are more experienced in the formation of a number of syndicates, approval of plans, etc., would make it impracticable to properly out and "time up" the defenders by the time stipulated.

Regarding this rumor no definite information could be gained from the Committee.

ALEXANDER ISLAND ENTRIES.

RACE TRACK, ALEXANDER ISLAND, Dec. 10.—The entries and weights for Tuesday's races are:

First Race—Selling; four and a half furlongs. Wentworth, 110; Wentworth, 110; Wentworth, 110; Wentworth, 110.

Second Race—Selling; six and a quarter furlongs. Atlas, 112; Atlas, 112; Atlas, 112; Atlas, 112.

Third Race—Selling; four and a half furlongs. John P., 107; John P., 107; John P., 107; John P., 107.

Fourth Race—Selling; mile and a sixteenth. Chief Justice, 106; Chief Justice, 106; Chief Justice, 106; Chief Justice, 106.

Fifth Race—Selling; mile and an eighth. Chief Justice, 106; Chief Justice, 106; Chief Justice, 106; Chief Justice, 106.

Sixth Race—Selling; mile and a sixteenth. Chief Justice, 106; Chief Justice, 106; Chief Justice, 106; Chief Justice, 106.

Seventh Race—Selling; mile and a sixteenth. Chief Justice, 106; Chief Justice, 106; Chief Justice, 106; Chief Justice, 106.

Eighth Race—Selling; mile and a sixteenth. Chief Justice, 106; Chief Justice, 106; Chief Justice, 106; Chief Justice, 106.

Ninth Race—Selling; mile and a sixteenth. Chief Justice, 106; Chief Justice, 106; Chief Justice, 106; Chief Justice, 106.

Tenth Race—Selling; mile and a sixteenth. Chief Justice, 106; Chief Justice, 106; Chief Justice, 106; Chief Justice, 106.

Eleventh Race—Selling; mile and a sixteenth. Chief Justice, 106; Chief Justice, 106; Chief Justice, 106; Chief Justice, 106.

Twelfth Race—Selling; mile and a sixteenth. Chief Justice, 106; Chief Justice, 106; Chief Justice, 106; Chief Justice, 106.

RAIN AT ALEXANDER.

Few Withdrawals, However, as a Result of the Bad Going.

Commission Findings to Be Made Public To-Day.

Fredericks Beats Lyceum with Ease in the Second Race.

Judge Learned Said to Denounce Elmira Cruelty.

Final Action in the Case Rests with Gov. Flower.

ALBANY, Dec. 10.—The report of the Commission to examine into the charges that the managers of the Elmira Race Track, who are now in the city, have made a bad showing in the investigation, and which consists of a majority and a minority report, will be given to the press this afternoon. The majority and minority reports are voluminous, and Gov. Flower, in whose hands they are now, had not quite finished digesting them last night, when he said that he would not divulge their contents until he gave them to the press.

He declined to indicate what was the nature of the report, but it is generally understood that Judge William L. Learned, the brilliant jurist, who was the President of the Commission, finds that "The World's" charges are fully sustained, and that the punishments inflicted were against all instincts of humanity. It is said that he presents a minority report in which he deals with the methods in vogue in the institution, in the most severe manner. He alleges that brutality existed and that it was, by failure to take action, sanctioned by the Board of Managers. He holds that there is no warrant under the law for the punishment of the inmates by the manner used at Brockway, and that, in fact, the statutes distinctly forbid any such brutal methods.

He believes that the best interests of the State would be promoted by the removal of the present officials and a strict enforcement of a provision prohibiting the use of violent punishment. It is understood on the best of authority that Dr. Austin Flint and Israel Deyo, who are now in the city, have had a perfect knowledge of the workings of the institution and that such corporal punishment as was used at Brockway was for the maintenance of discipline in the institution. They hold that the punishment should be confined to the most necessary and that the punishments should be confined to the most necessary.

They state that from a small beginning the inmates have grown to the one hundred and thirty, and that the majority of the inmates are of the most lawless and vicious type. They state that from a small beginning the inmates have grown to the one hundred and thirty, and that the majority of the inmates are of the most lawless and vicious type.

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OAKES' DIVORCE CASE.

Lawyer Gardner Declares the Thing a "Foul Conspiracy."

Miss Durnagle Swears She Slept with Mrs. Oakes Every Night.

Witness Wallace Declares He Was Tamed With.

Mrs. Luella C. Oakes' lawyers this morning began in earnest their attempt to break down the evidence given last week by the witness of her husband, Millionaire Francis J. Oakes, in his suit for absolute divorce, which has been in progress for several days before Justice Brown, in the Supreme Court, Brooklyn.

The prosecution rested on Friday afternoon, but took up so much of the day that Lawyer Gardner had only time to open his case. He characterized the whole line of action of the prosecution as a "foul conspiracy."

Lawyer Patterson, of Mr. Oakes' staff, came in next, carrying a large bag filled with papers. Mr. Oakes' lawyer, Mr. Gardner, who was in the court, said that he had been in the court for several days before Justice Brown, in the Supreme Court, Brooklyn.

The court-room was comfortably filled at 10:30 o'clock, when Justice Brown arrived, and Clerk McGee polled the jury. Justice Brown told Lawyer Gardner that the evidence given by the witness of her husband, Millionaire Francis J. Oakes, in his suit for absolute divorce, which has been in progress for several days before Justice Brown, in the Supreme Court, Brooklyn.

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