

T. Jenkins Hains Listening to Witnesses at Trial; His Mother Watching the Jury

(Sketched in Court Especially for The Evening World by Staff Artist Michelson.)



T. JENKINS HAINS LISTENING TO WITNESSES AT TRIAL; HIS MOTHER WATCHING THE JURY

about his mouth, goldfish fashion, but the sound which issued forth could not be called language. This inability on the part of the witness to speak seemed to distress Mr. Darrin greatly, because Skura was expected to give testimony vital to the State. Mr. McIntyre took the witness by the hand and asked him questions and this added to the District Attorney's visible discomfort.

Driven Back From Annis by Gun and Threats of Thornton Hains.

Belong thus comforted, Mr. Darrin brought in Charles A. Birchfield, an advertising manager, who lives at No. 38 West One Hundred and Eighteenth street and a member of the club, who saw the killing.

"I left New York at 12:30 in the afternoon of Aug. 15," said Mr. Birchfield. "I got to the Bayside station about 2 o'clock, and drove over to the club. I saw a water named Ellison talking to two gentlemen. One of these two gentlemen was the defendant pointing at Thornton Hains. They were in a group in the main hall, or reception room.

"Ellison motioned toward me and I stopped. The two gentlemen came up to me and the defendant asked me if I knew a Mr. Jersperson, who he said, was a member of the club. I said I did not know him. He then asked me if I knew the firm of Richard-Finlay Realty Company, had an office near the club. I said no, I thought all their property was down by the station. He said that Finlay had offered him a piece of property near the club and described it.

"I told him that Mr. Storms, a club member, was interested in real estate in the neighborhood, and that I would introduce him to Storms. At that moment the other man (Captain Hains) came up and whispered to him and he said 'Pardon me' and they walked away, going down the Bay side dock."

Interested in Annis. "A few minutes later, when I got down on the dock, they were standing by the runway leading down to the landing of the boat."

"Who else was there?" "Mrs. Annis, Mrs. Rockway, Mrs. Nesbitt and several other women. Mr. Finlay and other gentlemen were there. I renewed the conversation with Jenkins Hains regarding the real estate proposition. Mr. Storms had come up by then and I suggested to Storms, but the defendant said he would not do business with his own broker. Then he began asking about the boat that was cruising around the dock."

"Has Annis got one of those boats out yonder?" "I said, 'Annis's boat is that one coming down the bay now—No. 7.' There were two boats on the dock, one coming along together and Annis was the one in front. So I pointed out Annis's boat to him. He said, 'Will Annis's boat come in before the race starts?'"

"I said, 'I always sail with him in races and he'll have to come in for me.' He said, 'I have met Annis. Then I pointed out Annis's wife and said to him, 'That is Annis's wife, is it?' He said, 'No, that's looking woman.'"

"Here the judge took the examination and because the witness did not seem to be confused by Mr. Darrin's questions, Mr. Birchfield went on:

"I waited awhile and then Annis's boat came up to the dock. I went down the runway from the dock to meet Annis, and going over the end of the float I caught the forestay to fend off Mr. Annis and Mr. Harway were aboard. Annis's boat was in front. The sail was seated and the boat was pushed back on the forestay and a just got the boat's movement stopped alongside the float when I heard a 'snick.'"

"You'll get the same." "I whirled around, Capt. Hains and the defendant were there. Capt. Hains was crouching down behind the defendant and I could not see the captain very clearly. I made a step forward, at the same time the defendant said to me, 'Keep back—keep back. He knows you and he'll shoot.'"

"How was the defendant standing?" "He was standing with his feet well braced," said the witness, "and his chair in order to illustrate what he meant, with one hand behind him and the other extended toward me, holding a revolver as if I refused, and he said to me, 'Don't interfere or you'll get the same.'"

"I fell back and he turned about and directed his revolver at Mr. Rockaway."

"What happened then?" "Well, after he pointed that gun at me my memory is sort of hazy. I recall later, when the witness said, 'I separated and labelled one, two, three.' The rest of the shots I cannot distinctly recall, but I know the condition. The next thing I distinctly

witness had not yet connected the prisoner at the bar with either of the two women who rode in his rig on that August afternoon. The Justice said he would give to recognize the object as a good one unless Darrin could promise to establish a definite and positive identification. First the prosecutor said he would do this, but a moment later he said he would not do so, and Justice, feeling that he had no other recourse, still remained, waving the cap driver of the stand and called on the District Attorney to finish the missing link in his case.

Testimony Stricken Out. Mr. McIntyre wanted Skura put underground while he was of the stand. The Justice ordered for this time. Justice then wanted the Court to instruct Skura not to talk with any one about the case at all.

"I do not so much think," said the Justice, "there is nothing improper in a conversation between a lawyer and a witness. This is a duty of the District Attorney before he comes into court, and I will not strike it out. Now, in order to clear up the record as much as possible, I'll strike out all this boy's testimony so far as it goes over again."

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Slayer Crouched Behind Brother as He Fired Bullets into Victim

The witness was asked to describe the attitude of the defendant and his brother at the moment he heard the first shot.

"I saw the captain crouching down behind the defendant," said Mr. Birchfield, "his form being hidden."

"Did you notice the position of the defendant?" "He was not in an erect position."

"Is it not a fact," asked Mr. McIntyre, "that the defendant was walking toward his brother as if to restrain him?"

"No sir," replied the witness. "Mr. Birchfield testified that the boatman, Tanning, ran toward the captain to assist him. He saw Tanning seize the captain by the wrist."

"Was his hand raised to strike down the captain?" "I don't think so," replied the witness. "I don't think so," replied the witness.

"I saw the Swede rush upon the captain?" "Yes."

Heard No Warning. Mr. McIntyre made an effort to show by the witness that there was a conversation between the captain and the club members, and that Mr. Roberts, who was among the number, carried a revolver in his hand. He asked the witness if he had seen Mr. Roberts holding a revolver in his hand.

"Did you hear him say, 'Let me shoot the Swede?'" "Yes, sir," replied the witness. "You said you did not see the captain when the shooting occurred. You said he was crazy. Did you hear him say, 'Let me shoot the Swede?'"

"Did you hear the defendant say at that time, 'The Swede don't get near me. He may do the same thing to you?'" "No, sir," replied the witness. "What did he say?"

"Keep back. He knows what he's doing." "The witness under the constant fire of Mr. McIntyre's questions half admitted that he might have been mistaken in what he would be heard. This increased the Court, who said sharply:

"Do you know what you heard or do you know what you saw?" "I don't know," replied the witness meekly. "Well answer what you know." "I don't know," replied the witness. "I don't know," replied the witness. "I don't know," replied the witness.

She was in no condition for a long time to talk over the death of her husband.

Lost Fifteen Pounds in Weight. "Have you any good will for this man?" "No, sir, I am neutral. I had no feeling at the time, but it has worn off."

"Did you lose fifteen pounds as a result of what you went through during the trial?" "Yes, sir, I lost fifteen pounds as a result of what you went through during the trial."

"Do you mean that you have a profound sympathy for this defendant?" "I have sympathy for any man who is in deep trouble."

"Did the District Attorney ask you not to talk about the case with outsiders?" "Yes, sir, he did."

"Do you remember that I and Mr. Shay called on you until the defendant used it. Since then I have heard he is in business at Bay side."

"What is true?" "I don't know Mr. Jersperson."

"Do you know Mr. Jersperson?" "No, he didn't belong to the club and I never heard his name until the defendant used it. Since then I have heard he is in business at Bay side."

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Frank Courtney, twenty-one, a conductor, living at No. 122 West One Hundred and Thirty-ninth street, was a little late when he left home for work at 1 A. M. today. He saw a south-bound Long avenue car approaching and at One Hundred and Thirty-ninth street tried to cross so he would be on the right side for boarding.

He miscalculated the speed and was knocked down and caught under the trucks. Several policemen and others tried to get him out, but could not. Finally the emergency wagon was sent for and the car backed up.

Dr. Smith, of the Harlem Hospital, to which Courtney was taken, found him suffering from many cuts about the face, possible internal injuries and a fracture of the skull and the loss of two fingers.

Conductor Courtney Taken to Hospital—May Have Fractured Skull.

Run Down by Car on His Way to Work

Los Angeles Entries.

First Race—Futurity Course, selling—Pinks, 140; Mares, 100; Tombs, 100; Bargin, 100; Talcott, 100; Hamdendon, 100; J. C. Ackroyd, 100; Mr. Talbot, 100; Bennett, 100; Sid Silver, 100; Metakalia, 100; Yellowstone, 100.

Second Race—Mile and seventy yards, selling—Lynard, 107; Collier, 103; M. M. Brown, 102; M. J. O'Connell, 102; Sullivan, 102; Mear, 102; O'Connell, 102; Eckert, 102; Royal Red, 102; Mishore, 102; T. J. Ashby, 102; J. C. Ackroyd, 102; Mike Ashby, 102.

Third Race—Futurity Course, selling—Yorkville, 132; Charles Green, 109; Military Man, 107; Doolan, 104; Swinburn, 104; Tim Caro, 104; Fawcett, 104; Sogno, 104; Claret Bell, 104; K. O. Moore, 104; Mike Ashby, 104.

Fourth Race—Mile and seventy yards, selling—Darlington, 118; Cloverland, 105; Spring Barn, 102; J. C. Ackroyd, 104; Military Man, 107; Doolan, 104; Swinburn, 104; Tim Caro, 104; Fawcett, 104; Sogno, 104; Claret Bell, 104; K. O. Moore, 104; Mike Ashby, 104.

Fifth Race—Mile and seventy yards, selling—Darlington, 118; Cloverland, 105; Spring Barn, 102; J. C. Ackroyd, 104; Military Man, 107; Doolan, 104; Swinburn, 104; Tim Caro, 104; Fawcett, 104; Sogno, 104; Claret Bell, 104; K. O. Moore, 104; Mike Ashby, 104.

Sixth Race—Mile, purse—Lynard, 107; Collier, 103; M. M. Brown, 102; M. J. O'Connell, 102; Sullivan, 102; Mear, 102; O'Connell, 102; Eckert, 102; Royal Red, 102; Mishore, 102; T. J. Ashby, 102; J. C. Ackroyd, 102; Mike Ashby, 102.

Seventh Race—Seven-eighths of a mile, Viler, Handicap—Bon Haven, 115; Queen, 98; Talbot, 100; Palatino, 90; Tom Temp, 98; Berlet, 92.

Eighth Race—Mile and seventy yards, selling—Darlington, 118; Cloverland, 105; Spring Barn, 102; J. C. Ackroyd, 104; Military Man, 107; Doolan, 104; Swinburn, 104; Tim Caro, 104; Fawcett, 104; Sogno, 104; Claret Bell, 104; K. O. Moore, 104; Mike Ashby, 104.

Ninth Race—Mile, purse—Lynard, 107; Collier, 103; M. M. Brown, 102; M. J. O'Connell, 102; Sullivan, 102; Mear, 102; O'Connell, 102; Eckert, 102; Royal Red, 102; Mishore, 102; T. J. Ashby, 102; J. C. Ackroyd, 102; Mike Ashby, 102.

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Thirteenth Race—Mile, purse—Lynard, 107; Collier, 103; M. M. Brown, 102; M. J. O'Connell, 102; Sullivan, 102; Mear, 102; O'Connell, 102; Eckert, 102; Royal Red, 102; Mishore, 102; T. J. Ashby, 102; J. C. Ackroyd, 102; Mike Ashby, 102.

RULE WASHINGTON WITH A GOVERNOR, ROOSEVELT'S IDEA

President Suggests to Congress Change in Government for District of Columbia.

WASHINGTON, Dec. 17.—A change in the form of the District of Columbia government, by the substitution of a single head or Governor in place of three commissioners, establishment of district or municipal departments instead of existing bureaus and creation of a new municipal department to be known as that of Housing and Labor, is recommended in a special message sent by President Roosevelt to Congress to-day.

The message accompanies a special report of district affairs by James B. Reynolds, to whom the President says the heartiest thanks are due for "great and best interested service," and also accompanying reports of the committee on building of model houses appointed for service here, on Mr. Reynolds's recommendations.

LOST ON WAY TO SCHOOL. Alarm Sent Out for Son of Foreman of Hudson Terminal Building.

Daniel Madden, the foreman of the Hudson Terminal Building, who lives at No. 77 Clinton avenue, the Bronx, has asked the police to send out a general alarm for his son Joseph, nine years old, who has been missing since Monday. The boy left his home Monday to go to St. Anselm's School, a block distant, but never reached there. He is four feet four inches tall, weighs seventy pounds, has a light complexion and hair, and wore a dark gray suit and cap and a mixed gray overcoat.

AEROPLANE SILVER DART PROVES A GOOD FLYER.

HAMMONDSFORD, N. Y., Dec. 17.—The Silver Dart, the fourth aeroplane built by the Aerial Experiment Association here, made two successful flights to-day. During the longest flight, in which the machine covered a mile and three-quarters, a complete turn was made. The aeroplane was operated by J. A. D. McCurdy, who will continue experiments with the machine, making trial flights every day when the weather conditions will permit.

BOY, BITTEN BY DOG, DIES. Henry Canine Jr., five years old, of No. 202 West Side avenue, Jersey City, died yesterday of rabies in St. Francis Hospital. He was bitten by a bulldog near killed the dog.

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RAYNER ACTS FOR THE MARINE CORPS

Senator Puts in Bill to Bind Roosevelt to Continue Men as Intended by Law.

WASHINGTON, Dec. 17.—Senator Rayner to-day introduced a resolution calling upon the Committee on Military Affairs to investigate the series of orders promulgated by the President in relation to the marine corps, which recently was detached from the battle-ship. In his resolution Mr. Rayner asked that the committee report whether Congress has not the right to prescribe a set of rules for the government of the marine corps, which will bind the President as Commander-in-Chief of the army and navy to continue the Committee on Naval Affairs, the marine corps being a part of the naval organization.

REMOVAL SALE. We will MOVE across the street to 136 to 140 West 23d St. Our Entire Stock of GRAND RAPIDS FURNITURE must be sold at prices REGARDLESS OF COST

\$45.00 Grasshopper Walnut TWIN BED, Napoleon desk, \$29.50

\$50.00 Gentlemen's Mahogany WAIRHOUSE, with inside drawers, \$21.00

\$35.00 Weathered Oak DESK with lamp and attach- ment, \$17.50

\$30.00 Weathered Oak BOOK- case, \$15.00

OTHER FURNITURE AT PROPORTIONATE REDUCTIONS. MANGES BROS., 136 to 140 West 23d St.

Cold Pavements Cannot Chill the Feet of the Men and Women Who Wear Dr. A. Reed Cushion Shoes

Because the cushion is between and prevents the cold from coming through. The Cushion is soft to the foot—never tires it—allows the blood a free, healthy circulation and protects it against all exposure of cold, damp and bad weather.

THEY ARE FOR MEN & WOMEN. J. P. Smith Shoe Co. John Ebberts Shoe Co. Makers of Men's. Makers of Women's.

Dr. A. Reed Cushion Shoe Co., Ltd., 1352 Broadway, cor. 36 St.

Penny a Pound Profit. SPECIAL for this THURSDAY. BLACK WALNUT CREAM KISSES, POUND 10c

SPECIAL for this FRIDAY. CHOCOLATE PINEAPPLE ICE CREAMS, POUND 10c

SPECIAL FOR THIS THURSDAY AND FRIDAY. Special Assorted Chocolates (20 Kinds) POUND 19c

SPECIAL OFFER TO SUNDAY SCHOOLS, CHURCHES, ETC. COMMITTEES GLADLY WAITED ON EVEN THOUGH NOT READY TO PURCHASE. 30 POUNDS OF "METROPOLITAN" MIXTURE AND 60 HALF-POUND BOXES, FOR \$2.40

30 POUNDS OF "BARLEY SUGAR MIXED" AND 60 HALF-POUND BOXES, FOR \$3.00

WE DELIVER FREE. 54 BARCLAY ST. OVER BETWEEN BATTERY AND 29 CORTLAND ST. Car Church. PARK ROW-NASSAU At City Hall Park. 206 BROADWAY Can. Fulton St.

Pease Pianos. THE ONLY CO. OF ITS KIND IN THE WORLD! Holiday Gift Specials in TRUNKS, BAGS, LEATHER GOODS, &c.

A Pease Piano for Xmas means an ideal gift; it is the one present that is sure to be appreciated.

Music to-day is part of a liberal education and it can be obtained either through learning to play the piano personally or by means of the latest type of piano—the Pease Piano. The Pease uprights are ideal for the pianist on account of their light action and superb tone. Prices from \$325 up—used pianos of our own and other good makes from \$125 up, fully warranted.

The Pease Player Pianos range in price from \$550 to \$700, and are simple in construction and most durable.

Terms of payments from \$5 to \$10 monthly, according to piano. Open Evenings.

PROGRESSIVE SPORTING GOODS CO., 55 Nassau St., New York City. Goods delivered to the city.

Acceptable Gifts. The Skates, \$9.00 to \$25.00. Hockey Shoes, pair, \$2.95 to \$3.75. Pocket Knives, \$1.00 to \$2.00. Folding Pocket Knives, \$1.00 to \$2.00. Moccasins, the real kind, \$2.95 to \$3.50. Punching Bags, \$1.00 to \$2.00. Pocket Knives, \$1.00 to \$2.00. All leading make at clearing-out prices. New York, Dec. 17, 1908. 179 2-49 3-50. Razors and Razor Sets at reduced prices. EXTRA SPECIAL—For Friday and Saturday. Pease Player Piano, \$550 to \$700. Shaker Knives, guaranteed value \$4.00, 2.98 our special price.

Pease Piano Co., 128 West 42d St., Near Broadway, New York. Brooklyn Branch: 34 Flatbush Ave., 10 New St.

SUNDAY WORLD WANTS WORK MONDAY WONDERS

Help Wanted To-Day!

As advertised for in The Morning World's Want Directory.

Table with 2 columns: Job Title and Salary/Details. Includes positions like Agents, Attorneys, Bakers, Bookbinders, Bookkeepers, etc.

The World printed to-day 875 Help Ads, 361 more than all other New York papers combined.

COLUMBIA FRESHMEN WIN

The three hundred freshmen at Columbia University can smoke pipes on the campus or anywhere else after Washington's Birthday. Their born enemies, the sophomores, are bound in honor not to molest them smoking. The freshmen gained this high privilege yesterday when they won four out of seven bouts from the sophomores in the university's gymnasium.

SOLID GOLD SEAMLESS WEDDING RINGS. DIRECT FROM THE MANUFACTURER AT FACTORY PRICES. SOLID 14-KT. GOLD. SOLID 18-KT. GOLD. J. Lewkowitz. EST