HAMMERSTEIN RAPPED BY COURT; REPORTERS HELD

They Did Right to Resent Insults in Manager's Letter, Magistrate Says.

CALLS IT SCURRILOUS.

Puts Defendants Under $300 Bail Because They Admitted the Assault.

For smashing Oscar Hammerstein's face and high hat at the door of the Hotel Knickerbocker that other Sunday night, the two reporters for the New York Press, Fred W. Hall and James J. Doyle, have been held for Special Sessions in bonds of $300 each on the charge of assault.

In holding the two newspaper men to-day Magistrate "Battery Dan" Finn, sitting in the Essex Market Court, blasted Hammerstein for writing to their city editor the letter which led to the now notable fist fight. But since Hall and Doyle admitted striking Hammerstein, when the evidence was heard at the Essex Market Court two days ago, the Magistrate was forced to bind them over for trial.

Neither Hammerstein nor either of his sons, Will and Arthur Hammerstein, who are associated with him in his vaudeville and grand opera enterprises, was present to hear the Magistrate's findings. Their side was represented by two of Hammerstein's impressive array of counsel, Morris Mayer and Benjamin Spillman, of Delphin M. Delmas's office. Hall and Doyle were on hand promptly with their attorney, Charles M. Beattie.

Calls Letter Scurrilous.

After he had given light sentences and fatherly lectures to two Bowery derelicts who fought each other last night in front of the famous Dry Dock Hotel, Magistrate Finn took up the issue of the Battle of the High Hat.

"Gentlemen," said "Battery Dan," "I have given this matter consideration for two days, after a full and lengthy hearing, and I have tried to be fair and impartial. These two young gentlemen went to Hammerstein to insist on an apology for his remarks about them. If he had made an apology I doubt if any blows would have been struck. And right here I'll add that if there is any man of decent breeding who had been mentioned as they were in that scurrilous letter which Hammerstein wrote to their city editor and that man had not resented the insult he would have no manhood in him.

Admit the Assault.

"There are quite a lot of people who have the idea that they can insult people with impunity, and I believe the only reason they assign for exercising that prerogative is the fact of their opulence, their wealth, their power, what they can do with their money, what use they can make of it for good or for evil. I am not in favor of anything like that, nor do I believe the people of this city will countenance it.

"The testimony clearly showed that Doyle and Hall went to the Knickerbocked Hotel on the night of the assault because they knew that Mr. Hammerstein would be dining there. On the part of the defendants it was in evidence that they went there rather to obtain an apology from Mr. Hammerstein for the letter and not with hostile intent, but it is admitted that Doyle and Hall did strike Hammerstein with the flat of their hands.

"I hold the two defendants in bonds of $300 each for Special Sessions on the charge of assaultt."

Prison Term Possible.

Sending the cause to Special Sessions means that Hall and Doyle could be tried only for assault in the third degree, which is a misdemeanor that is usually punished by a fine of $25, except in very aggravathed instances, when the justices have been known to give the maximum—one year in the penitentiary or a fine of $500, or both. Had they been held for General Sessions their situation would have been very much more serious, for the Grand Jury could have indicted them for assault in either the first or second degree, both felonies punishable by maximum sentences of ten years and five years in State's prison respectively. In his complaint Hammerstein alleged assault in the second degree.

Bond for the two reporters was furnished by Harry F. Doyle, a commission merchant at Forty-seventh street and Third avenue. Mr. Doyle is not related to reporter Doyle.

After bail had been given and after the Magistrate had expressed his private views of the case in rather strong language, he said:

"If there hadn't been so many big lawyers coming into this case I could have settled it in five minutes."

Going Up!

ALL importance does not attach to the fact that The World prints more separate advertisements than ANY OTHER Newspaper on Earth. To be sure that is a weighty fact that all should heed and profit by.

But there's another point that should be borne well in mind:

THE WORLD IS GAINING RAPIDLY!

During the last five days The World has printed 18,429 advertisements—a GAIN of 3,623 over its corresponding record in 1908.

Note: The World is increasing its lead.

Rivals in the Stirling Divorce Who Interest English Society Circles

MRS STIRLING — MRS ATHERTON.

GOW JURORS FAIL TO AGREE; EIGHT FOR ACQUITTAL

After Nine Hours' Deliberation They Report to Court, and Are Discharged.

Standing eight for acquittal and four for conviction, the jury that tried Banker William Gow on a charge of stealing $145,000 from the Borough Bank, after being out a little more than nine hours, reported to Justice Crane, in the Supreme Court, Brooklyn, at 2.15 A. M. to-day, that it could not agree on a verdict.

Justice Crane decided to discharge them, and Gow was released on the old bail, $27,000. The trial lasted two weeks.

The jury got the case at 5 P. M. yesterday. It resumed deliberations after coming in at 10.30 o'clock last night, and asked to have sections of the testimony read. At 12.40 the jury came into the court-room again.

"This has been a long trial," said Justice Crane, "and we don't want to disagree if we can help it. Won't you gentlemen try? Is there any chance for an agreement?"

"I hardly think so," replied Foreman William H. Walker.

The jury then asked for the $145,000 check and a definition of larceny, and returned to its room. Justice Crane said he would remain in his chambers to receive the verdict if one was found, instead of locking up the jury for the night.

Then, at 2.15, the jury came back and reported the impossibility of an agreement, and Foreman Walker said the final vote was eight to four for acquittal.

After the summing up yesterday Justice Crane delivered his charge in little less than an hour. He charged that the restoration of money stolen would not affect the charge of grand larceny, and told the jury that a conviction could not be obtained on the unsupported testimony of an accomplice, and that a verdict of guilty could not be found on the evidence of Arthur B. Campbell, the cashier.

The charge practically reduced the case to two considerations, whether Gow had procured the sending of the $145,000 cashier check by Campbell to make up the capitalization of the International Trust Company, and if so, whether this was done with intent to defraud the rightful owner of the money or was done in a belief that he, Gow, had a right to do so in the regular course of business.

SEARCHLIGHT FOR GUILTY.

CHICAGO, Feb. 5.—Clubwomen of Chicago are about to install a powerful searchlight, mounted upon a downtown skyscraper, in their fight against violators of the smoke ordinance. They will sweep the heavens in search of dense masses of coal smoke at midnight, and when they have procured the necessary evidence will insist that suits be filed against the owners of the offending stacks.

PAPA WILL NOT LET LOCHINVAR WED DAUGHTER

Trip Back From Chicago for Parental Consent Ends in Two Cells.

Edward K. Gallagher, of No. 125 East Fifteenth street, was a plumber. He rose to be an usher at Daly's Theatre. He ran away with Sophie Johnson, a fifteen-year-old girl, who often came to the theatre. They went to Chicago together Jan. 26. Yesterday they came back to New York.

Sophie telephoned to her mother at once and asked what were the family feelings toward her.

"Are you married?" asked her mother.

"No," Sophie answered. "We want to be married, but I'm so young that nobody will marry us without your consent and father's."

"Come home," said Mrs. Johnson. "We will talk it over with your father."

Papa Johnson wouldn't hear any talk of a marriage. He was so angry that he said he wished Sophie and Edward could be put in jail for life for making fools of themselves and him. He had them arrested and taken before Magistrate Moss to-day.

Magistrate Moss agreed with Mrs. Johnson that the youngsters ought to be married. He asked Papa Johnson about it, but the father merely chewed his lip, glowered at Edward and said nothing.

"Very good," said the Magistrate, taking silence for consent. "Go down to the City Hall, all of you, and arrange for a license. Then come back to me and I'll fix you up."

Papa Johnson got as far as the sidewalk. There he balked. He went back into court and said that he wouldn't let any plumbing-usher-jackanapes make a fool of him, and he would not consent to Sophie's marriage. So Magistrate Moss put Edward in a cell, in default of $1,000 bail, on the charge of abduction, and Sophie in another cell, in default of $500 bail, as a wayward girl and gave Mr. Johnson until 2 o'clock to relent.

MATRICIDE TO ASYLUM.

Trotter Declared Insane and Committed to Matteawan.

Arthur Trotter, who killed his mother, Mrs. Ann Trotter, at No. 25 West Eighteenth street on Dec. 30 by cutting her head off, was sent to the State Asylum for Insane Criminals at Matteawan to-day by Justice Dowling in the Criminal Branch of the Supreme Court.

Several insanity experts testified that Trotter was an imbecile of the lowest grade.

"His condition," Dr. Carlos F. Macdonald told Justice Dowling, "is due to arrested mental development rather than disease."

Relatives of Trotter testified he was a degenerate of the most brutal type, and was only out of prison a few days when he murdered his mother.

SCHOOLBOY KILLS CHUM.

WASHINGTON, Feb. 5.—Dennison Charlton, sixteen years old, a pupil in the Western High School yesterday playfully "held up" his chum, Vivian Bowdoin, fourteen, with his father's pistol. The explosion of the weapon caused young Bowdoin's death.

TAXICAB CRASH IN FIFTH AVENUE

Red Machine Smashes a Runabout and Injures Mrs. Etta Kosofsky—Driver Escapes.

Red taxicab No. 60621, of the New York Taxicab Company, collided at Thirty-first street and Fifth avenue today with a runabout in which were seated Mrs. Etta Kosofsky, who conducts the Eastern Fur Company at No. 753 Fifth avenue, and her son John, twenty-one years old.

The frail vehicle was shattered and the two occupants thrown out. Mrs. Kosofsky was badly scratched and bruised, but refused medical attention, driving to her home at No. 106 West Forty-sixth street in a hansom. Her son was uninjured.

Young Kosofsky was driving north along Fifth avenue when the red taxicab shot out of Thirty-first street, going west, and crashed into the runabout. The force of the collision whipped the horse out of the runabout's shafts and threw the animal to the ground. The runabout went to pieces.

A stream of vehicles was passing along the thoroughfare at the time, and a dozen drivers and a traffic policeman hauled Mrs. Kosofsky and her son from the wreckage. Several physicians offered their services, but Mrs. Kosofsky replied that she could look after her injuries without medical assistance.

During the confusion the driver of the taxicab vanished. Patrolman Biehl saw him flying west along Thirty-first street, but the young man disappeared in Sixth avenue, leaving the taxicab where he had stopped it.

ENTIRE JURY FACES CONTEMPT CHARGE

The twelve jurors who deliberated yesterday afternoon before Justice Kelly in the Brooklyn Supreme Court in the case of Joseph T. Kress against the B. B. T. for $2,000 damages for personal injuries and went to their hoems after disagreeing without notifying the Court of their disagreement, were severely lectured by Justice Kelly this morning and given until Monday to show cause why they all should not be adjudged in contempt of court.

The jurors went out to deliberate at 3 o'clock. At 7 they were deadlocked and Justice Kily sent them word that he was going out to dinner and that he would allow them to deliver a sealed verdict. At 7.30 o'clock the jurors called for Court Officer Owens and handed him a sealed envelope. Thinking it was a sealed verdict, he allowed them to go to their homes.

When Justice Kelly opened the envelope this morning he read the phrase, "We disagree." The twelve jurors were in court waiting to be discharged. Instead, they got the lecture. The jurors are: Foreman, E. J. Grebs; Henry E. McGowan, Joseph G. Godfrey, Simon Marx, Richard Marshall, Charles G. Sheridan, Theodore Spencer, Edward D. Ward, James L. Mucie, Samuel C. Rogers, P. W. Ganner and Carl Schmuck.

The sealed package is a guarantee of cleanliness.

White Rose Ceylon Tea

A 10c. Package makes 40 Cups.

SOCIETY EAGER FOR THE STIRLING DIVORCE FINISH

Former Actress and Mrs. Atherton, Rivals in Case, Still Claim All Interest.

AWAIT SUMMING UP.

Throng Will Hear Arguments on Claims of Rich Scotchman and His Wife.

LONDON, Feb. 5.—All of fashionable England is waiting impatiently the final arguments of the lawyers in the famous Stirling-Atherton-Northland divorce tangle, which will be heard next week at Edinburgh, the evidence for both sides being all in. It is expected that Judge Guthrie's court will be fairly mobbed with members of the ultra smart set of the country, anxious to hear and see the closing scenes in the most sensational marital tangle of recent years. The fact that every principal is socially prominent gives the affair added interest.

Naturally gossip and conjecture mainly centres about the two women in the case, both beautiful and both popular. One is the former American chorus girl who as Clara Elizabeth Taylor played here in "The Earl and the Girl." She is suing her husband, John Alexander Stirling, Laird of Kippendavie and formerly a lieutenant in the Scots Guards, alleging improper conduct on his part with the fascinating Mrs. Atherton.

The husband in turn is prosecuting a cross suit in which he charges his wife with improper conduct with Lord Northland, son of the Earl of Ranfurly. Mrs. Stirling is only twenty-four years old, while Mrs. Atherton is some years her senior, a society leader and the daughter of a baronet. Some years ago she was divorced from Col. Atherton and later brought suit for an alleged breach of promise against Capt. Yarde-Buller. Shortly before the present case came to trial her name cropped up again through a spirited dispute which she had with Mrs. Taylor, the American mother of pretty Mrs. Stirling.

Lord Northland, the principal co-respondent, was the last witness of importance yesterday before both sides rested. His evidence consisted largely of flat denials to the statements made by Mr. Stirling and Mrs. Atherton, who, he asserted, carried on a conspiracy to keep Stirling and his wife apart. Mrs. Atherton, he said, even pressed him to join Mrs. Stirling in America in furtherance of her objects, but he refused to go.

He attributed much of his attention to Mrs. Stirling to his efforts to cheer her up, particularly as she had purchased a revolver, and on half a dozen occasions had threatened to kill herself.

In his cross-examination Lord Northland admitted that he was attached to Mrs. Stirling, but he said he didnot love. He had not determined whether he would marry her if she become free.

BATTLE EFFICIENCY FLAG FLIES ON THE VERMONT.

New Pennant That Denotes Best Gunnery Scores Hoisted With Much Ceremony at Gibraltar.

GIBRALTAR, Feb. 5.—The new "battle efficiency" flag created as a trophy for the ship making the highest gunnery score was hoisted on board the Vermont to-day. The members of the crew of the battleship were drawn up on deck at general muster, and at the invitation of Rear-Admiral Sperry the division commanders, a majority of the captains, ordnance officers and gun pointers of the fleet were gathered on the quarterdeck of the Vermont to witness the ceremony.

Admiral Sperry read the department's order creating the trophy, and announced its award to the Vermont. Then, in a brief speech of congratulation to Capt. Frank F. Fletcher, the Admiral spoke impressively of the significance of the trophy to the fleet. Capt. Fletcher, in accepting the honor, bestowed much credit upon Rear-Admiral William P. Potter and Lieut. Leigh C. Palmer, who were, respectively, captain and ordnance officer of the Vermont when most of the winning records were made.

The band played the "Stars and Stripes Forever" as the flag, which is a red pennant with a black ball in the center, was hoisted to the foretop. When it was broken out at the masthead the crew of the Vermont cheered wildly and their enthusiasm was answered lustily from every ship in the fleet. The Vermont won the trophy from the Minnesota by a narrow margin.

TOOK CARBOLIC ACID IN MISTAKE FOR CASTOR OIL

Dudley Latham, Columbia Law Student, Is Taken to Hospital Dying.

Dudley Latham, a law student at Columbia University, and a son of Dr. P. H. Latham, of Weatherly, Pa., was taken to J. Hood Wright Hospital, dying from carbolic acid poisoning, late last night, after having accidentally swallowed the contents of a two-ounce vial at No. 510 West One Hundred and Twenty-fourth street, where he has been boarding with a Mrs. Francis.

According to Mrs. Francis, Latham, who is twenty-four years old, studied late last night, and then came in to talk with her.

"I'm not feling well to-night," he began. "I have just sent the elevator boy for some castor oil. I'm going to take a hot bath and the oil, and maybe tomorrow I will be on my feet."

The boy brought the oil, and young Latham retired to the bathroom. A short while later Latham was heard to scream for help. He was found in the bathtub writhing in agony and an empty vial which had contained carbolic acid in his hand. On a shelf was the vial of castor oil, which had not been touched.

Latham was unconscious when the police came. Mrs. Francis said Latham had undoubtedly got the two vials mixed. At J. Hood Wright Hospital it was said Latham had hardly a chance in a thousand to recover.

BALL FOR TAFT AT PANAMA.

Isthmian Government Will Honor President-Elect To-Night.

PANAMA, Feb. 5.—The engineers who accompanied William H. Taft to the Isthmus spent to-day in consultation at Culebra on minor questions of construction.

The Government ball, which is to be given at Panama this evening, will be a demonstration of friendliness for Mr. Taft.

Established Over 40 Years.

N. S. BRANN,
231 Eighth Ave.
Bet. 21st and 22d Sts., N. Y. City.
Manufacturing Jewellers.
OPEN EVENINGS.

Thousands of 14K. and 18K. Solid Gold Wedding Rings, from..... $3 up
All Engraving Done Free of Charge.

$10 $10

This handsome solid gold Tie Clasp, set with genuine diamond, only..... $2

This Ladies' handsome SOLID GOLD hunting case Watch, stem winder and setter, worth $20, only..... $10

Gent's handsome SOLID GOLD hunting case, stem-winding Watch, worth $40, only..... $25

This handsome solid gold GENUINE DIAMOND RING, worth $30, only $15

This handsome GOLD HEART LOCKET, set with genuine diamond; complete with chain, only..... $5

This handsome SOLID GOLD SIGNET RING, with beautiful monogram engraved free, only..... $3

All Engraving Done Free of Charge.

Thousands of Other Great Bargains.
All cars transfer to N. S. Brann's.

Notice to the Public!

That we may protect the many persons—both MEN and WOMEN—who have been greatly benefited by wearing

Dr. A. Reed Cushion Sole Shoes

from being misled by the inferior imitations offered now and then, we hereby advise the PUBLIC that the genuine

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J. P. Smith Shoe Co. Makers of Men's — John Ebberts Shoe Co. Makers of Women's

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Smart Spring Skirts

In Infinite Variety
Chic New Models,
$5, $6 & $7 Values,
$3

Saturday's Bargains

Never in our history have skirts of such remarkable worth been sold for so little.

Smart Mixtures
Rich Panamas
Spring Broadcloths

Newest Spring ideas—strictly high-class tailoring, one model, like picture, made of black Panama with fan-plaited sheath, beautifully finished with wide silk bands. Other French gore models in new Spring mixtures and broadcloths, smartly finished with straps and buttons. Browns, blues and blacks Saturday only, $3.00.

No Alterations

SALE AT ALL THREE STORES

Bedell
14-16 West 14th Street NEW YORK
460 & 462 Fulton Street BROOKLYN
645 to 651 Broad Street NEWARK
3 LARGE STORES.

Philipsborn
THE OUTER GARMENT SHOP
12 West 23d Street

BY FAR THE BEST OFFER WE EVER MADE IN

Tailored Suits at $17.75

None worth less than $40; some as high as $60

THE LOT CONTAINS SUITS OF

Finest Broadcloths,
High grade Cheviots,
Superior quality Chevron

TWELVE MODELS, INCLUDING:

Directoire,
Hipless effects,
Long Coat effects,
Empire,
Danton,

All modish colors. Coats lined with best satins. On sale to-morrow.. **17.75**

ADVANCE SALE OF 1909
Lingerie Dresses

At **$8.75,** value $12.50
Lingerie Dresses, surplice effect, trimmed with val. lace and hand embroidery; tucked net yoke. One of the handsomest models ever shown at this price.

At **$10.50,** value $15
Three models, very fine Batiste; elaborately trimmed with baby Irish, Filet and Val. lace. Beautiful new Princess, Empire and Directoire effects.

At **$15.75,** value $21
Lingerie Dresses of handkerchief linen, elaborately trimmed with fine Mechlin lace and revering and insertion to match; finished with lace jabot. Empire effect.

At **$22.50,** values $35
Two models of very fine handkerchief linen, elaborately trimmed with real Cluny and Mechlin laces, fine tucking and baby Irish medallions; ribbon sash.

Arnold, Constable & Co.

SATURDAY, FEBRUARY 6TH.

Misses' and Children's Wear.
Special Values in New Models.

MISSES' TAILORED SUITS, new spring fabrics, long hipless coat, gored skirt,	18.75
CHILDREN'S GINGHAM DRESSES, sizes 4 to 12,	2.75
CHILDREN'S GALATEA SAILOR SUITS, sizes 4 to 14 years,	4.00

SPECIAL OFFERINGS AT GREATLY REDUCED PRICES OF WOMEN'S FUR COATS, FUR-LINED COATS, MUFFS, NECKPIECES, GLOVES, LINGERIE, INFANTS' WEAR, UMBRELLAS, LACES AND EMBROIDERIES.

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