CAMPAIGNING IN THE RAIN

GOV. HUGHES HAS A STRENUOUS DAY UP THE STATE.

He Talks to 18,000 People in Montgomery, Fulton and Schenectady Counties—Winds Up at Albany—Holds Big Meeting in Schenectady.

ALBANY, Oct. 26.—Starting in on the last week of his campaign, Gov. Hughes tackled to-day the hardest bit of work on his schedule. He left Albany at 9:15, and by train, trolley and automobile travelled up the Mohawk Valley and cross country, speaking at nine meetings and talking to 18,000 people. He finished the day's work back in Albany, where he spoke at German Hall at 10:30 to-night. It was a good thirteen hours of solid work, speaking and travelling, but the Governor finished strong, and in spite of the rain and automobiling with his voice in better shape than it has been for days.

The Governor's route lay through Montgomery, Fulton, Schenectady and Albany counties, Republican country all of it, but including districts where there was thought to be considerable disaffection on account of the Governor's racetrack legislation. It did not look that way at the end of the day, however, for Mr. Hughes got a rousing reception all along the line, and the district leaders, those who had been suspected of lukewarm Hughes sentiment at the least, came to the front with promises of larger majorities than those the Governor received two years ago. Taft, it was said everywhere, would run well ahead of the State ticket

The Governor made his first speech at Canajoharie shortly after 11 A. M. and then made the run to Fort Plain by auto. He spoke to as many as could crowd into the small public halls at both places, and after a short stop for lunch at Fort Plain began the twenty mile run by automobile to Gloversville. By that time the rain had reduced the country roads to mud lakes and at several places the Governor's machine came dangerously near being swamped.

The schedule had said 2 o'clock for the first meeting at Gloversville, but it was nearly 3 when the whistles on former Congressman Littauer's glove factories shrilled out their noisy welcome. The Governor drove straight to the Darling Theatre, where Mr. Littauer introduced him to an audience of about 2,000, most of whom were voters.

Gov. Hughes spoke for nearly an hour. He gave up much of his time to a discussion of national politics and praise of Judge Taft. Coming to his own campaign the Governor went over the arguments that he has been making during the past weeks. He declared that the issues were plain, but that his opponent had refused to meet them squarely and had for the most part interposed "a wall of silence." He characterized the campaign of his opponent as one of "insinuation and inuendo, of evasion and indirection." He drew prolonged applause when he declared:

During the last two years I have been endeavoring to do my duty and to serve the people in accordance with the pledge that I made when I was a candidate for the office of Governor. Not so very long ago my opponent commended me highly for the course that had been taken. Now I find myself the subject of jibes and sneers. Such tactics cannot avail.

Returning for a minute to national issues the Governor said:

Our candidate for President, as an administrator, showed conspicuous talent of a very rare kind. You have not got many men like him in the world. Sometimes you would think that all we were doing in selecting a President was to elect a man to stand at the door of Congress with a message. Well, that is a very important part of his work, but there is a great deal of executive work apart from that. He has the control of our diplomacy. To him is submitted or committed the honor of the flag. Upon his sagacity and prudence we depend in a thousand exigencies, where, if he makes a blunder we are all going to suffer, and we can't help ourselves—we made our choice, and we must abide by the decision. It is a great thing for 80,000,000 of people to elect one man with the vast powers and influence of the President of the United States, but it works better than any system of government the world has ever seen. [Great applause.]

Taking up Mr. Chanler's attack on the Public Service Commissions and the Agnew-Hart bill, the Governor declared that when the "wall of silence" had at last been broken through it had been found that Mr. Chanler approved of both measures. Continuing, Mr. Hughes said:

We have a great deal of talk about reforms and beneficial measures. The very first essential of all reform is to do the business of the State in a direct way. Now, when you do that you get into trouble. [Laughter.] We have no end of difficulties; you are misunderstood, you are represented in various metaphors. To some you are an icicle. [Laughter.] Why? Because you don't give away the public offices. You are represented by others as devoid of any human sympathy. Why? Because you enforce the Constitution of the State. Now, my friends, this business of running the Government of the State of New York consists simply in doing those things which every man on the Fourth of July praises the country for having done. [Great applause.]

After talking to another big Gloversville audience in the Family Theatre, the Governor went by trolley to Fonda, stopping on the way for a brief speech at Johnstown.

There was a twenty minutes talk at Fonda and then a dash by auto to Amsterdam, eleven miles away. By that time it was dark and the rain swept down in blinding torrents, making risky work for the machines. It was a neck or nothing race against time. The auto was ditched and another narrowly missed bucking into a trolley car, but the Governor seemed to enjoy it. Amsterdam was blazing with red fire and rockets in spite of the fact that it was the home of John Sanford, chairman of the State Racing Commission. It did not look like a likely spot for Hughes sentiment, but it was there all right, and lots of it.

State Senator W. W. Wemple of Schenectady met the Governor at Amsterdam with a private trolley car for the run back to Schenectady Senator Wemple opposed Gov Hughes on the racing bills, but he was mighty certain to-night that the Governor would poll more votes in his district than he had in 1906. Senator Wemple was quite sure too that the organization in these parts is right behind the Governor. This was asserted by lesser leaders, who explained that they were all getting in line because no one wanted to be "the goat."

An audience of 3,000 packed the theatre at Schenectady. There was not a woman or boy in the audience. The Governor got a mighty cheer when he came in and the applause stayed with him all through a thirty minute speech. It was here that the Governor in describing the necessity for the Public Service Commission drew mingled cheers and laughter from his audience when he declared that the traction companies in the past had "built a pyramid of securities and then stood it on its apex, thereby violating the laws of business, finance and gravity."

To-morrow Mr. Hughes travels down the Hudson Valley, making several stops and ending the day with talks at Brooklyn, Jamaica, Flushing and Long Island City.

SHERMAN ON "WORLD" ARTICLE.

He Says the Charges, so Far as He Is Concerned, Have No Substance Whatever.

UTICA, Oct. 26.—Congressman James S. Sherman, Republican Vice-Presidential nominee, unperturbed by the charges in the New York *World* to-day which seek to involve him in alleged fraudulent land deals in New Mexico, left for Rochester soon after 4 o'clock this afternoon to begin the concluding week of his spellbinding in the present campaign. Before leaving Mr. Sherman made this statement to THE SUN reporter:

My attention has been called to a sensational article in to-day's New York *World*, making charges against me in connection with the New Mexico Lumber and Development Company, a coproration which has not been in existence for some years. A careful reading shows that the charges, so far as I am concerned, have no substance whatever, and as to my connection with the enterprise the fullest possible investigation and publicity are courted. The fact about it briefly is that some years since Mr. Burke presented a business proposition involving the purchase of timber lands in New Mexico, which were not United States property, and the construction of a railroad. There were ten gentlemen, I think, who gave $600 each to form a company and investigate the project. Experts were employed to inspect the property. Some of us visited the lands, so there was no secret about it, and on the other hand the local papers had much to say of it at the time. After looking into the matter carefully and at length we decided that the lands available would not yield a profit on the railroad construction and development. The plan was abandoned, the company dissolved, about half the sum invested was paid back to each of us and our prospective connection with the enterprise was ended.

Not one foot or one dollar's worth of United States property was concerned with it in any way. There was no secrecy about it and no need for any. I never urged the passage of any such bill as is referred to and the *World* article does not say that I did. What Mr. Burke or any one else did before or after our investigation of the proposition I do not know, and if he or anybody else attempted any bribery business it was without the knowledge, consent or approval of myself or any of my associates in the investigation. My secretary acknowledged the receipt of Mr. Burke's letter of August 9, signing my name as he has the right to do in my absence. He showed me Mr. Burke's letter on my return, and knowing there was nothing in the transaction on my part to conceal or apologize for I paid no more attention to it. The whole affair was purely a legitimate private enterprise, which as business men we investigated and turned down half a dozen years ago.

It may be of interest in this connection to say that later Mr. Burke wrote me saying he was being pressed to make statements which would be calculated to injure me and asked me to see him in Chicago on a date when I was billed to speak there. That letter was not even acknowledged, because I have nothing to say or promise to prevent the disclosure of any public or private act of mine. If he has found a market for the wares the incident must go along with what I suppose is to be expected in the last week of a campaign.

PERILS OF A MEDICAL MAN.

Dr. Groehl Says His New Patient Hugged Him.

A man who said that his real name was Paul Lorenz Bernhard Unger (although he went under the name of his wife, Anderson) and Louis Goldman of A. Goldman & Son, cloak and skirt makers at 125 Prince street, were arrested yesterday afternoon on charges that they had attempted by extortion and conspiracy to get $2,000 from Dr. Henty M. Groehl, who has an office at 275 Rivington street and lives at 527 Bedford avenue, Brooklyn. They were locked up at Police Headquarters.

Dr. Groehl told Assistant District Attorney Krotel that on October 8 he got a call from Mrs. Anderson to go to 516 East 149th street. That was out of his district. Five days later Mrs. Anderson called him up again, said she was sick and had moved to 57 East Fourth street, and asked him to call. He made a visit, and said he would return the next day. He did and his examination showed, he said, that Mrs Anderson had consumption.

Suddenly she threw her arms around his neck, according to the doctor's complaint, and her husband, whom he had not seen before, came into the room.

"What are you doing? This will cost you dearly," the husband said, according to the doctor.

"A badger game," said the doctor, and he put the husband out with a punch, he says.

The next day Anderson had Groehl arrested on a charge of attempted assault. The case came up in the Essex Market Court and was adjourned. Dr. Groehl says that on October 23 Goldman came to his office and said that if there was a hearing the doctor would get a lot of notoriety, and it was arranged that all hands should meet at 746 Fifth street and that Groehl should pay $2,000. Detectives were at the house, and according to Dr. Groehl Goldman called him up on the telephone and told him the meeting would have to be postponed as Mrs. Anderson was sick and her husband was nursing her. The detectives left the house, and seeing Goldman and Anderson across the street arrested both of them.

TWO POLICEMEN INDICTED.

Bird Accused of Taking License Graft, Reid of Perjury.

Sergt. Peter J. Bird and Policeman Patrick J. Reid, who were arrested as a result of the investigation of the Mayor's license bureau by the Commissioners of Accounts, were indicted yesterday and arraigned in General Sessions. Bird is accused of bribery and the charge against Reid is perjury.

Bird is accused of accepting $50 from Dorothy Mason for a permit for a moving picture exhibition at 114 East 149th street. The charge against Reid is that he testified falsely before the Commissioners. They were released each in $2,500 bail.

CHILD LOST IN A FIRE.

Many Others Rescued in Jersey City—24 Families Homeless.

A small girl was burned to death and twenty-four families were made homeless last night in a fire which damaged three five story brick apartment houses with stores on the ground floor at 343, 345 and 347 Henderson street, Jersey City.

The blaze started on the top floor of No. 343 and rapidly spread. The tenants were principally Poles and all became wildly excited. Mothers ran down the stairways dragging children with them and several left their little ones behind. The first firemen to arrive carried several deserted children down ladders and turned them over to shrieking women in the street.

A three-year-old girl wriggled out of a fireman's arms on a ladder ten feet from the ground and fell into the arms of Police Captain James H. Kelly of the city hall station.

Frank Kelly, a truck driver living at 145 Morgan street, made two trips into the burning building and came down a ladder with three children.

The two top floors were burned and the three lower ones were principally damaged by water.

As the firemen were taking up their hose after the excitement was over Capt. Peters of Truck 2 found the body of a girl apparently 4 years old on one of the top floors. The body was badly charred. It was taken to Hughes's morgue, where it was identified as that of Julia Yulevich.

The loss is estimated at $25,000.

HAINSES PLEAD NOT GUILTY

THE CAPTAIN ON THE GROUND OF INSANITY.

His Counsel Seek to Delay Trial and Give Out Letters Signed "Claudia"—One Says "Everything Is Over Between Peter and Me; He Has Found Out."

Capt. Peter C. Hains and his brother, T. Jenkins Hains, were arraigned before Justice Garretson in the Supreme Court at Flushing yesterday on the indictments charging them with murder in the first degree in the killing of William E. Annis. T. Jenkins Hains entered a plea of not guilty and Capt. Hains made the same plea on the ground that he was insane at the time the act was committed.

It was the third time the brothers had been arraigned since they were indicted two weeks ago. John F. McIntyre, of counsel for the Hainses, had asked at the previous hearings for the dismissal of the indictment against T. Jenkins Hains on the ground that it was defective. He based this plea on the ground that an indictment could not charge a defendant with being both a principal and an accessory before the fact.

T. Jenkins Hains was called to plead first, and Justice Garretson then stated that after a careful examination of the Penal Code he had decided that a man can be indicted both as a principal and as an accessory. Lawyer McIntyre then entered the plea for him and immediately Capt. Hains was called.

"We enter a plea of not guilty on the ground that the defendant was insane at the time of the commission of the act charged in the indictment," responded Lawyer McIntyre.

Mr. McIntyre had with him a copy of a letter alleged to have been written by Mrs. Peter C. Hains to William E. Annis on June 1 last, which Mr. McIntyre declared had much to do with driving Capt. Hains crazy and causing him to shoot Annis. The lawyer said that this letter formed the basis of his plea of insanity yesterday and would have an important part in the trial of Capt. Hains.

The letter is said to have been written the day after Mrs. Hains signed the confession which she declares was forced upon her, and counsel for the defence intends to use it to refute testimony from the prosecution regarding the alleged confession. Only a part of the letter was made public, which was as follows:

DEAR BILLY: Don't come over Monday morning. Everything is over between Peter and me. He has found out everything.

I am going to Boston. Will send you my address. I want to see you. I am almost crazy. Good-by. CLAUDIA.

The letter is said to have been addressed to Annis at his place of business, 4 West Twenty-second street.

Following the entering of pleas for the prisoners District Attorney Darrin moved that Justice Garretson set a date for the trial of T. Jenkins Hains, who according to the District Attorney's plan is to be tried first. Justice Garretson said he preferred to have the Judge who is sitting at Flushing during the November term of court fix the date for the trial. Mr. Darrin then said he would go before Justice Aspinall on Monday afternoon and ask him to set the trial for November 9.

Counsel for the defence agreed to Monday afternoon, but at that time they will protest vigorously against proceeding with the trial of either brother. It is generally believed that the trial will not take place until long after Mr. Darrin goes out of office on January 1 next.

"I will not consent to the trial of either Capt. Hains or his brother while Capt. Hains is in his present mental condition," said Mr. McIntyre. "I have had Capt. Hains examined by four of the best alienists in the country and they tell me that he is suffering from a form of insanity that is curable if he is not subjected to great mental stress. Obviously nothing could prove more disastrous to his future sanity than the trial.

"For the same reason I could not allow him to testify at his brother's trial while in that state, and he will of course be one of the principal witnesses for his brother. If his brother's trial is set for the near future, and I should be compelled to produce him, the trial would certainly be upset by a higher court on the ground that the testimony of an insane man was taken."

When the prisoners got to the Court House yesterday in an automobile they were joined by their counsel, Mr. McIntyre and Joseph A. Shay, and by their brother, Major Hains. During the court proceedings Capt. Hains gave the usual appearance of either knowing or caring nothing about what was going on. His head was bowed and he continually twisted a lock of his hair. T. Jenkins Hains talked constantly with his brother and counsel.

Both men were clean shaven, whereas at their last appearance Capt. Hains had a mustache and his brother was raising a beard. In explanation of their changed appearance counsel for the brothers said that they had rebelled against paying the prison barber $3 a day or $90 a month for two shaves daily and had decided to get the shave only when they were to appear in court.

Lawyer Shay made public yesterday parts of a letter said to have been written by Mrs. Hains to her husband while he was at San Francisco and was just ready to board the army transport for the Philippines. The defence declares that this letter from his wife first aroused Capt. Hains's suspicion that something was wrong and caused him to return home at once. The letter said:

MY DEAREST HUSBAND: I said I'd like to go automobiling to-day, and she (referring to a woman friend) said she didn't see why I shouldn't with two in the family, joking about Billy. I told her I couldn't use his automobile all the time, as Mrs. Annis should have it some of the time.

There is some scandal afloat about —— and myself. We don't know what it is, but think Mrs. —— is at the bottom of it. He used to bring eggs, or ask me over, or little things like that. He didn't knock, but whistled. Mrs. K. had heard it up the Shore road. "Ain't it awful, Mabel?" See what a mess I'm in. Last night we made Mrs. —— come home with us. I seem to breed trouble.

"I don't care"—Tanquay.

Your loving wife, CLAUDIA.

Mr. Shay said that the names omitted from the letter were those of friends of the family and declares that Mrs. Hains worked up a fiction about the man referred to to hide the real affair with Annis.

Lawyer Shay made a quick trip to the Queens county jail yesterday afternoon when he got word that one of the star members of the Thaw trial pity squad had got in to see the Hains brothers and was suggesting a line of defence prepared for them in a New York evening newspaper office. When Mr. Shay got there he found the young woman pumping T. Jenkins Hains about how a novelist feels when charged with murder in the first degree. The lawyer persuaded the young woman to go away.

DRAMA FOR BRYAN.

Augustus Thomas to Have Doings in Cooper Union Friday.

The Progressive Democratic League will hold a mass meeting in Cooper Union on Friday night in support of Bryan's candidacy. Augustus Thomas is to be the principal speaker, and it was said yesterday at Democratic headquarters that Mr. Thomas intends to make it a dramatic event, bringing forward on the stage children employed at the coal breakers and in the sweatshops. It was also stated that Mr. Thomas intends to have at the meeting an impersonator of Tolstoy, who will read extracts from some of Tolstoy's writings.

LOST IN GEORGIAN BAY.

In Dense Smoke Steamer Runs on a Rock and Takes Fire—All Saved.

DETROIT, Oct. 26.—Because of the dense smoke that covered the waters of Georgian Bay the Canadian steamer Iroquois lost her way in McBean Channel on Saturday. She struck on West Rock and twenty minutes later was on fire as a result of the overturning of a cookstove. Twenty-two passengers and five members of the crew owe their lives to the luck that enabled a rafting tug to find the stranded little steamer in the smoke. The tug heard the distress signals of the Iroquois, answered promptly and stood by until all on board had been saved, including two women with babies.

Among the passengers were two commercial travellers. One had a case of jewelry, valuable samples, and the whole thing was left behind. The contents of the case were valued at $2,000. The other drummer had several big sample cases full of silks and satins and women's wraps. The entire lot was worth several thousand dollars and all of it was lost.

SUICIDE HER ONLY WAY.

Mrs. C. M. Stebbins Said So in a Letter Before Shooting Herself.

Mrs. Harriet Stebbins, wife of Charles M. Stebbins, manager of the Pure Oil Company of East Newark, tried to end her life, which had been an unhappy one ever since her marriage ten years ago, by shooting herself in the head last night in the Continental Hotel, Newark, where Mr. and Mrs. Stebbins have lived since last July. She was removed to a hospital, where it is said she will die. Stebbins says that his wife used drugs and was under their influence when she shot herself.

Soon after they were married in Cornwall, N. Y., Mrs. Stebbins became jealous, according to her husband, and this was aggravated by doses of a sleeping powder which she took constantly. During their married life the Stebbinses have lived in Newburgh, Albany, Cornwall, Rochester and Buffalo. In Newburgh the drug so far got the best of her that she was confined for three weeks in an insane asylum. At Albany she had to go to a hospital for treatment. Mr Stebbins said she frequently threatened his life with a revolver and the only way he was able to subdue her was to defy her.

After dinner last night Stebbins went upstairs to tell his wife that he was going to the theatre. He found her lying in bed drowsy.

"What does this mean?" she asked him when he told her he was going to spend the evening out. "Does it mean that you're going to leave me?"

Before Stebbins could reply she brought a revolver out from under the bedclothes and shot herself in the temple. There was only one cartridge in the gun. As Stebbins was notifying the police Collingwood remembered that Mrs. Stebbins had given him a couple of letters to mail that he'd forgotten about. The police opened them. Both were addressed to her brother-in-law, Benjamin B. Stebbins of Erie, Pa. One of them read:

Well, Ben, I have done it, or will have done it by the time this reaches you. Be very gentle to my baby, Ben, for she will need your friendship and counsel in years to come. She is sweet and lovely, Benny; I can hardly bear to leave her, but it is the only way. If she was with me now perhaps this wouldn't happen, for I love her better than anything or anybody. Be kindly in your thoughts of me, Ben, and take care to always love my memory. I have not written to the others, for they wouldn't understand and besides they don't love me and blame me for Charlie's troubles, but I love you, Ben, and I want your good opinion.

Mrs. Stebbins was 32 years old. Her husband is 40. Her maiden name was Harriet Duncan Turner. The police are holding Stebbins as a witness.

AGAINST PRISON LABOR.

Grand Jury Criticises Contract Agreement in Essex County, N. J., Penitentiary.

Condemning the present system of contract labor at the Essex County Penitentiary, the first Grand Jury of the September term in its presentment handed up at Newark yesterday urged that the convicts be employed hereafter only in the making of clothing for use in the county institutions. The convicts are now making handkerchiefs under a contract between the county and Jerome M. Schwerin. On this point the presentment read:

"It is the sense of this Grand Jury that contract labor should be abolished in this institution and a system incorporated whereby convicts would make clothing for inmates of the county institutions only and thus not issue a product which is in competition with paid labor."

A batch of 100 indictments was also returned. Among them were true bills against Carmine Amore and his wife Josephine for the murder of Michael Martella at 14 Drift street last August.

Emma Goldman Among Bryanites.

CINCINNATI, Oct. 26.—Emma Goldman, the Anarchist agitator, spoke to-night at the Vine Street Congregational Church, of which the Rev. Herbert S. Bigelow, the lieutenant of William J. Bryan hereabouts, is pastor. Daniel Kiefer, a Bryan boomer, was doorkeeper. Her topic was "The Political Circus and Its Clown." She argued that the Socialist party was the clown of politics.

Receiver for Breakfast Food Co.

QUINCY, Ill., Oct. 26.—On the petition of B. S. McCoy of Buffalo, N. Y., a stockholder in the Battle Creek Breakfast Food Company, Judge Akers has appointed John E. Linihan of Chicago receiver. The company's plant here will resume with a full force to-morrow. The company has done a large business, and it is said that its embarrassments have been caused by using its funds for sustaining outside branches.

All Because He Forgot His Keys.

Ernest G. Sickard, a real estate agent living at 192 Claremont avenue, went out for a walk last night without his keys. When he returned he sought to enter his apartment, one flight up, by clambering over the rails and through a window. He fell in the attempt and fractured the base of his skull. He was removed to the J. Hood Wright Hospital.

Army and Navy Orders.

WASHINGTON, Oct. 26.—These army orders were issued to-day:

Capt. Ellwood W. Evans, Eighth Cavalry, to Washington.

Second Lieut. John R. Ellis, Coast Artillery Corps, to Fort Logan H. Root, Ark.

First Lieut. Stephan Abbot, Coast Artillery Corps, from Forty-seventh to Twenty-eighth Company.

Capt. Albert C. Jenkins, now unassigned, to Eighty-fourth Company, Coast Artillery.

Capt. James F. Howell, unassigned, to Forty-seventh Company, Coast Artillery.

Capt. Arthur T. Balentine, from Forty-seventh to Seventeenth Company.

Capt. Frank S. Long, from Fifty-ninth Company to Eighty-third Company.

Capt. Carroll Power, now unassigned, is assigned to 135th Company.

First Lieut. Aleck G. Gillespie, now unassigned, to 120th Company.

These navy orders were issued:

Lieutenant-Commander H. H. Caldwell, orders to Buffalo revoked; continue duty to the Milwaukee.

Lieut. O. F. Cooper, from the Washington to home and wait orders.

Lieut. T. D. Parker, orders to naval hospital, Las Animas, Col., revoked; continue duty to the Buffalo.

Ensigns S. B. Smith and J. S. Dowell, from the Alabama to home and leave one month.

Passed Assistant Paymaster P. J. Willett, from navy yard, Mare Island, to the Solace as pay officer and additional duty in charge of accounts of second torpedo flotilla.

Assistant Paymaster W. S. Zane, from the Solace to home, settle accounts and wait orders.

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1.50 Fall Shirts at 98c.

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All stiff bosoms, with separate cuffs.

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Every new color, Green, Brown, Biscuit and a bewildering line of stripes.

Best Gloves, Scarfs, Pajamas.

WHITMORE TRIAL MOVES FAST

JURY IN 30 MINUTES—17 WITNESSES EXAMINED.

Former Elevated Motorman Accused of Murdering His Wife in Lamp Black Swamp Faces Jurors Again in Jersey City—Two Witnesses Can't Be Found.

The second trial of Theodore S. Whitmore, formerly a motorman on the Third avenue elevated road, for the murder of his wife, Lena, whose body was found on December 26 last in the Lamp Black Swamp at Harrison, N. J., was begun yesterday morning before Supreme Court Justice Francis J. Swayze and County Judge John A. Blair in the Court of Oyer and Terminer, Jersey City. The jurors who listened for five days to the evidence in the first trial, last May, failed to agree after deliberating all night.

Attorney-General Robert H. McCarter of New Jersey is conducting the case for the State at the request of the Prosecutor's office and is being assisted by Prosecutor of the Pleas Pierre P. Garven, and First Assistant Prosecutor George T. Vickers, who had charge of the original prosecution. Alexander Simpson of Jersey City is defending Whitmore.

The jury box was filled in about thirty minutes by twelve comparatively well known citizens chosen from a struck jury panel of forty-eight names. Prosecutor Garven opened for the State in a rehearsal of the oftold story of the finding of Mrs. Whitmore's body and the discovery of circumstantial evidence which led the authorities to charge Whitmore with the crime. He asked for a verdict of murder in the first degree.

The Attorney-General lost no time in getting the testimony under way and was greatly aided by the stenographic records of the previous trial, when the State was obliged to move slowly in piecing together the threads of the murder mystery. Seventeen witnesses were examined in the course of the day.

George A. Flagg produced and swore to a map of the Lamp Black Swamp, and Irving Crane and Albert Thompson told of the finding of Mrs. Whitmore's body in the swamp hole. Policeman Andrew Walsh said he took charge of the body and sent it to Undertaker Bernard P. Walsh's morgue. Dr. Otto H. Schultz, Coroner's physician in New York, and County Physician Charles B. Converse of Hudson county testified that the autopsy showed that the woman's death was caused by drowning. Special Officer Henry J. Trapper of Harrison said he found some of the woman's clothing clinging to a raft in the Passaic.

Morgue Keeper Walsh testified that when Whitmore was brought to the morgue by newspaper men on January 2 he declared that the body was not that of his wife. On the following day, Walsh said, the defendant said he thought the woman was his wife.

Frank Engler of Harrison, who said he got acquainted with Mrs. Whitmore in Brooklyn in 1906, swore that he recognized her the moment that he saw the body in the morgue on January 3.

Thomas H. Murray and William D. Roddy, New York detectives, told of an interview they had with Whitmore at his home in Brooklyn on January 2 and of his denial and subsequent admission that the body in the Harrison morgue was that of his wife. Whitmore told them that Lena wore four rings, a turquoise, a marquise and two diamond, the day she left home. Justice Swayze refused to admit in evidence a paper written by Murray containing a description of the rings. Roddy said that the defendant declared at headquarters that he believed the man who killed his wife also robbed her. Detective Matthew J. Ward of New York testified that he recovered a lot of silverware and some rings, including a turquoise and a marquise, which Whitmore had left at Reden's saloon in Brooklyn.

Garry Hendrickson, Mrs. Whitmore's friend, rehearsed the story of his relations with the woman and said that Whitmore punched them both early on the morning of December 21, when the defendant found them together in his apartments in Adams street, Brooklyn. He declared that Whitmore said he was sorry for striking them and later expressed his willingness that the witness should take Lena if he wanted her. Hendrickson did not have any desire to marry her in case she got a divorce. The cross-examination of the witness will be continued this morning.

The jurors were locked up in Meyer's Hotel in Hoboken last night.

The State has been unable to serve subpœnas on Monte Cutler, a newspaper reporter, and Fred Elliott, a letter writing friend of Whitmore, who were witnesses at the first trial. The Prosecutor is very eager to get Elliott, whose testimony is said to be important.

ANOTHER BROWNSVILLE CASE.

Negro Soldier Asks U. S. Supreme Court for an Early Hearing.

WASHINGTON, Oct. 26.—Counsel for Oscar W. Reed, one of the enlisted men of the three companies of the Twenty-fifth Infantry dismissed by the War Department for complicity in the shooting up of Brownsville, Tex., two years ago, to-day moved the Supreme Court to advance his case for an early hearing.

Reed brought suit to recover pay from the date of his discharge, claiming that the action was illegal, but the Federal Court at New York dismissed his bill. He thereupon appealed to the Supreme Court. The motion was taken under advisement.

Movements of Naval Vessels.

WASHINGTON, Oct. 26.—The torpedo boat Stringham has arrived at Annapolis, the torpedo boat Barney and the tug Rocket at Tangier Sound, the cruiser Salem at Guantanamo, the tug Ericsson at Cora cake, N. C., the collier Abarenda at Newport News, the torpedo boat Fox at San Diego and the cruiser Buffalo at Bremerhaven.

The tender Solace has sailed from Honolulu for San Diego, the tug Choctaw from Norfolk for Washington, the tug Eagle from Portsmouth, N. H., for Norfolk, the battleships Connecticut, Kansas, Minnesota, Vermont, Georgia, Nebraska, New Jersey and Rhode Island from Yokohama for Olongapo, the supply ship Supply from Nagasaki for Kobe and the battleships Louisiana, Missouri, Ohio, Virginia, Wisconsin, Illinois, Kearsarge and Kentucky from Yokohama for Amoy.

A PROBLEM.

It certainly is something of a problem to keep the small boys properly clothed.

But we can help you solve it.

We have Overcoats and Reefers—at from $8 to $18 for the Children and $10 to $35 in Boys' and Youths' sizes—that will keep them warm, and make them always appear well dressed.

Hats and Furnishings for Boys and Children.

Browning, King & Company.

Broadway at 32nd Street
Cooper Square at 5th Street
Fulton Street, Brooklyn

Want to sail off with one?
720 umbrellas.
Pure silk taffeta.
Box wood handles: eight rib Paragon frames.
$3.50 and $4 regularly.
$2.35.

Having advertised an umbrella sale and so probably warded off rain, we'll add that we've everything men and boys wear in fine Fall weather.

ROGERS, PEET & COMPANY.
Three Broadway Stores.
258 at Warren st. | 842 at 13th st. | 1302 at 34th st.

PAWNBROKERS' SALES.

L. L. FIRUSKI, Auct., 70 Bowery, at 10 A. M.: Oct. 27—Wm. Goldstone, jewelry.
Oct. 28—Wm. Simpson & Co., 151 Bowery; all diamonds, watches, jewelry, goods every description pledged prior July 2, 1907, to No. 24603, and all goods held over.
Oct. 29—M. Manning & Sons, 584 8th av.; C. Mayer & Co., 32 3d av.; clothing, &c., pledged prior Oct. 19, 1907.
Oct. 30—Fine consignment jewelry.
Oct. 30—J. E. Lemon & Co., 476 6th av.; clothing of every description pledged prior Oct. 15, 1907, Nos. 22644 to 44685, and all older dates held over.
Nov. 2—A. Mayer, Jersey City; jewelry.
Nov. 2—E. Dreyer, 147 8th av.; clothing, &c., pledged prior Oct. 22, 1907.
Nov. 2—M. Manning & Sons, 584 8th av.; all diamonds, watches, jewelry, goods every description pledged prior Oct. 2, 1907, and all older dates held over; also No. 19688.
Nov. 4—Geo. Weaver, 460 9th av.; clothing, &c. pledged prior Oct. 24, 1907.

JULIUS SHONGOOD, Auctioneer, by Jos. Shongood's Sons, Auct'rs, 84 Bowery:
Oct. 27—Clothing, &c., pledges No. 31000 to 32999; H. & C. Lang, 120 Avenue C; H. Goody.
Oct. 28—Jewelry, watches, diamonds, furs, &c., from No. 11000 to 32999; H. & C. Lang, 120 Ave. C.
Oct. 28—Clothing, &c., pledged prior to Oct. 15, 1907, Nos 12834 to 12813, inclusive, and held overs; H. S. Isaacs, 2436 8th av.
Oct. 29—Clothing; S. Leichtentritt, 857 2d av.
Oct. 29—Clothing, &c., pledged to Oct. 23, 1907; M. Manning & Sons, 1670 3d av.
Nov. 2—Clothing; L. Bernstein, 2668 8th av.; Marks Loan Office, 2057 3d av.

CENTRAL AUCTION CO., M. Sheehan, Auctioneer, 1370 Broadway, sells 11 a. M.:
Oct. 27—By R. Simpson & Co., 142 West 42d st.; diamonds, jewelry, silverware, &c., pledged from No. 8000 to 14000, to Aug. 1, 1907, and all goods held over.
Oct. 29—By I. Dreyer, 353 8th av.; diamonds, jewelry, &c., all goods pledged previous to Oct. 20, 1907.
Nov. 2—By John Simpson, 164 Bowery; diamonds, jewelry, silverware, &c., pledged to No. 21500, Aug. 1, 1907, and all goods held over.

SOBEL & CYPRESS, 231 Sobel, Auct., 96 Bowery, all pledges prior to Oct. 17, 1907:
Oct. 27—Clothing; A. Wolheim & Son, 1483 1st av.
Oct. 29—Clothing; T. Michael, 1049 2d av.
Oct. 29—Jewelry; J. B. Kopilk & Co., 150 Park row.
Oct. 30—Jewelry; Ben Prager, 654 9th av., and Chas. Weaver, 726 10th av.
Oct. 30—Clothing; A. Rothman, 393 Hudson st.
Nov. 2—Jewelry; Weinberger Bro., 193 Ave. A.

CENTRAL AUCTION CO., Wm. McCarty, Auct., 153 Canal st., sells 10 A. M.:
Oct. 29—By Fillin: clothing, fur coats, sealskins, &c.
Nov. 2—By H. Miller, 747 9th av.; clothing pledged to Oct. 21, 1907.

AMUSEMENTS.

ACADEMY OF MUSIC. 14th St. & Irving Pl. Last Week. DenmanThompson as "UNCLE JOSH" in The Old Homestead. Mr. Thompson's last appearance this season. Prices 25-50-75c. $1.00. Mats. Wed. & Sat. Ev. 8:15. NEXT WEEK MONTGOMERY & STONE in THE RED MILL.

HAMMERSTEIN'S Daily Mats. 25c., 50c. Evgs. 25c., 50c., 75c., $1.00. MABEL HITE & MIKE DONLIN, Charlie Case, "My Wife Won't Let Me"; Geo. B. Reno Co., Countess Rossi, Daisy Harcourt.

GRAND Opera House. MABEL TALIAFERRO in POLLY of the CIRCUS.

Blue Skunk Discovered in Buffalo.

BUFFALO, Oct. 26.—Curator Crandall of the Buffalo Park Zoo was informed this morning that there is a blue skunk in Delaware Park and the curator is going to try to catch it. Several of the curator's friends have seen this freak of nature and declare that the blue color is as pronounced as it can be. Ferdinand Pula, a local naturalist, also has seen it, and he too declares that the skunk has absolutely blue color without a white mark upon it.

AMUSEMENTS.

EMPIRE B'way, 40th St. Evs. 8:30. Mats. Wed. & Sat. 2:30. JOHN DREW in Jack Straw. EXTRA MATINEE ELECTION DAY.

CRITERION B'way, 44th St. Evs. 8. Matinee Saturday at 2. WM. GILLETTE in SAMSON. By H. Bernstein. EXTRA MATINEE ELECTION DAY.

SAVOY 34th St., B'y. Ev. 8:20. Mats. Thurs. & Sat. 2:20. Thurs. Mat. 50c.-$1.50. HENRY MILLER ASSOCIATE PLAYERS THE SERVANT IN THE HOUSE. EXTRA MATINEE ELECTION DAY.

LYCEUM 45th St., nr. B'way. Evs. 8:15. Mats. Thurs. & Sat. 2:15. MISS BILLIE BURKE in LOVE WATCHES. EXTRA MATINEE ELECTION DAY.

KNICKERBOCKER B'way, 38 St. Ev. 8:10. Mat. Sat. 2:15. The Girls of Gottenberg. With Gertie Millar. EXTRA MATINEE ELECTION DAY.

HUDSON W. 44 St., E. B'way. Ev. 8:15. Mats. Wed. & Sat. 2:15. LAST 2 WEEKS. EDGAR SELWYN PIERRE OF THE PLAINS. EXTRA MATINEE ELECTION DAY. Mond., Nov. 9, Seats Nov. 5, Ethel Barrymore in W. Somerset Maugham's Lady Frederick.

GARRICK 35th, near B'way. Eve. 8:20. Mat. Sat. 2:15. JOSEPH COYNE ALEXANDRA CARLISLE MAY IRWIN in Mrs. Peckham's Carouse. The Mollusc preceded by EXTRA MATINEE ELECTION DAY.

HIPPODROME TWICE DAILY. Mats. 2. Best Seats $1. Evgs. 8. 25c. to $1.50. SPORTING DATE | BALLET | BATTLE IN BIRDLAND | THE SKIES. 10 CIRCUS ACTS. SMOKING IN BALCONY.

LYRIC Eves. 8:15. Mats. Sat. & Elec. Day. 42d W. of B'way. LULU GLASER in Mlle. Mischief.

CASINO Evs. 8:15. Mats. Thur., Sat., Elec. Day. B'way & 39. LOUISE GUNNING IN MARCELLE.

MAJESTIC Ev. 8:15. Mat. Tom'w, Sat. & Elec. Day. B'way & 59. The Great Question with Jessie Bonstelle.

DALY'S Last Week. Mat. Tom'w. Maxine Elliott Myself—Bettina. NEXT WEEK Seats Thursday Election Mat. MR. WILLIAM