

HORNBLOWER FOR PRISONER

GETS EVIDENCE THAT MAKES PROSECUTOR PLEAD SURPRISE.

This was on Cross-Examination of an Eye-witness of the Killing of Giovanni Chiesca by John Washington, Colored—Disgust Mingled with the Surprise.

William B. Hornblower had an active day yesterday in the Criminal Branch of the Supreme Court, where he is defending a negro as assigned counsel in a murder trial. He listened to testimony on the riotous characteristics of the San Juan Hill section of the town, he brought out evidence of the way policemen use their clubs, and he heard a good deal about the rules of pinocle from an expert who judged the game on account of which the dead man was shot.

It's on a story of a regular West Sixty-first street saloon scrap over a five cent stake that the trial hinges. A big Irish cop was the first witness to get into trouble with Mr. Hornblower. He was John J. Cullen of the West Sixty-eighth street station and he told about running into a basement in West Sixty-second street on the night of August 30 after a negro who had come out of a ginmill near by. The man was John Washington, the defendant in the trial. In the basement two policemen held him while two others took his gun away.

"Did you hit him with your night stick?" asked Mr. Hornblower when the policeman was turned over to him for cross-examination. "Yes, on the body," was the answer. "Not on the head?" continued the lawyer. "I don't remember." "Why did you hit him? Just on general principles?" asked Mr. Hornblower. "Cullen laughed uneasily. "Now just tell this Court and jury whether it was after the gun was taken away from this defendant that you struck him."

"Yes, it was," came from the policeman. The game of pinocle into which Mr. Hornblower induced the negro a few weeks before the night of the murder. But the topic was revived on that evening when Washington came into the saloon for a pair of dice. He was followed by Richard, one of the hangers-around, who was called from a pool game to settle the question who had won that game and the negroed Richard. Richard did not know a Italian twist to his work. He was spotting the other man eight balls when he was called away, and even on even terms the other man could not win. Richard reminded that game," said the cross-examiner, "how about Washington and his pinocle?"

So Richard explained that the merits of the disputed game were submitted to him because he played a good deal. Washington and another negro had been playing against Giovanni Chiesca, the murdered man, and one Charlie Smith. Richard stood at the bar, he said, and with the negro on one side and the Italian on the other determined that Washington had lost the game and the Italian had won. Richard said that he had seen the word led to another and a big black man tried to put Washington out of the place. As they reached the door, Chiesca ran behind it and came out with a club. Richard tried to lay it across the negro, but the bouncer was in the way. He struck the wall instead.

"He came blam and zing! Da club and da gun together," declared Richard. He didn't see the gun, but Chiesca fell, and died a moment later in his arms. Mr. Hornblower emphasized that the Italian struck at Washington, and he dwelt upon "several times," with his eyes on the jury. Assistant District Attorney Moss was apparently displeased with the answer. He said that the District Attorney must be surprised because this testimony was different from anything that Richard had said at the Coroner's inquest.

As Richard was describing the run in that led to the fight he said that Washington threatened to kill Chiesca. "Up in my hand I'll give you a piece of my mind," he said. "I see," remarked Mr. Hornblower smilingly, "it's just a polite play-act." The trial will be continued to-day.

GRANT'S CIVIL WAR RECORD

Father's Secretary Says He Got Honorable Wound From 1 of Confederate Battles.

BOSTON, Feb. 24.—Harmon W. Brown of Cincinnati, who was Gen. U. S. Grant's secretary in the civil war, has written a long and interesting history of the life of the late hero. He was with Grant at the battle of West Point, and he was with the latter's staff at the battle of Vicksburg. He was with Grant at the battle of Chattanooga, and he was with Grant at the battle of Nashville. He was with Grant at the battle of the Clouds, and he was with Grant at the battle of the Crater. He was with Grant at the battle of the Wilderness, and he was with Grant at the battle of the Appomattox.

POLITICS AND ARCHITECTURE

To Young Leader's Dream Court Plans 'New' Use—Sued for Others He Got.

SERIOUS GAS RANGE BLOWUP

Little Girl May Die, Two Servants Hurt and Kitchen Wrecked.

MONTCLAIR, N. J., Feb. 24.—A gas range in the home of Luther D. Wisard, at 175 South Mountain avenue, blew up this afternoon and Janet Wisard, 10 years old, daughter of Mr. Wisard, was probably fatally injured. Two colored servant girls, Laura Green and Kate Dawson, were badly burned and may die. The explosion nearly wrecked the Wisard house.

Shortly after the midday meal Mrs. Wisard, her mother, Mrs. William Sanborn, and her aunt, Mrs. J. L. Sanborn of Chicago, were on the second floor of the house. Janet, the daughter, and one of the servants, Laura Green, were entering the kitchen from the dining room when the gas range exploded with a terrific report. The noise of the explosion was so loud that it started the entire neighborhood and the concussion shook the houses in the vicinity. The explosion and servants rushed to the kitchen, the entire side of which had been blown out, and the three victims were dragged out of the ruined apartment to the street. The kitchen was a mass of dust arising from the wreckage gave the impression that the house was on fire and a still alarm was sent to fire headquarters, but when the firemen arrived it was found that the explosion had not set fire to the woodwork. A call was sent to the Mountsinclair Hospital for an ambulance and several physicians were hurried to the scene. Dr. Richard P. Francis had the two servant girls taken to the hospital. The little Wisard girl's condition was considered serious.

SAYS LAWYERS TRICKED HER

Mrs. Van Claussen Wants Divorced Husband to Support Her Adopted Child.

Mrs. Ida M. Van Claussen, the divorced wife of Dr. William F. Honan of the Hotel Regent, asked Magistrate Moss in the West Side court yesterday to compel Dr. Honan to support her adopted daughter, Natalie. She said that when she got a South Dakota divorce from Dr. Honan in 1906 she signed papers releasing Dr. Honan from all financial responsibility in regard to the child. She alleged that she was induced to sign these papers by two well-known attorneys through trick and device.

DA MONK, HEGETTA BACKRIP

Peter the Great Made Free of Our Custom House for This Trip.

For the first time in the history of the Custom House an anthropoid, Peter the Great, distinguished in vandyville as a bicyclist, skater and all round athlete, got a certificate showing that he had paid duty on entering this port last year and therefore has a right to come into our other American port from a foreign shore without being taxed again. Accompanying Peter was his owner, Joseph Alines, Chief Clerk Robert Hunter of the certificate bureau of the Custom House English, and so he had to take the word of the chimpanzee's owner for Peter's pedigree. There was no agent present and none appeared later to tell the tale of the record, which put Peter's height when erect at thirty-four inches. One finger of his right hand is missing. It was amputated to save Peter's life. There are some distinguishing marks on Peter's countenance, including white patches on his forehead and nose and eyes. Peter's owner said that Peter would make his mark if necessary, but Mr. Hunter declared this was unnecessary.

HUDSON MAXIM CHOSEN

To Be President of the Aeronautic Society.

At the annual meeting of the Aeronautic Society held last evening at 1990 Broadway this ticket was chosen: President, Hudson Maxim; first vice-president, S. Burdette; second vice-president, William Joseph Hammer; third vice-president, Louis R. Adams; secretary, Wilbur B. Kimball; treasurer, Clarence F. Blackmore; assistant secretary, Alva D. Lee; directors, Thomas A. Hill, Lee W. Forest, Carlos de Zafra, Hugo C. Gibson, Dwight Tracy, Charles Wesley Howell, Jr. Mr. Maxim succeeds Mr. Burdette.

Fishing Steamboat Wrecked

ANGLSEA, N. J., Feb. 24.—The fishing steamboat Gloriana, Capt. Joseph Osterlund, went aground this evening on the bar in Herford Inlet and will be a total loss. She was unmanageable because of the disabling of her steering gear. The life savers of the Anglers station and those from the Stone Harbor station succeeded in raising the vessel in their power boat and took off the crew of five men.

The Golden Tropics

OUR weekly cruise enables you not only to see King's "Golden Tropics" but to visit the eighth wonder of the world—the Panama Canal. In only three days you live a life of luxury as though on board your own yacht. You have two days in which to catch something more than a glimpse of Jamaica with its gorgeous scenery and historical associations. Three whole days you spend in harbor on board the steamer admiring the energy with which Uncle Sam is digging his way across the isthmus of Panama. The 21 days (Cuba) costs you only \$125—less than \$6 a day! The cruise to Jamaica and return is only \$85. Indefinite stop-over; if you have time. Sailing from New York.

EVERYTHING NEW IN HATS

STREET WEAR WILL BE CLIPPED CLOSE TO THE HEAD.

But for Occasions of Grandiose Importance, a woman will prevail—Chanteater Miss Bump, Not Set—Taxi Bonnets to Be Just Like Grandmother's Hood.

The elevator in the Hotel Victoria, Broadway and Twenty-seventh street, designed to accommodate ten adult persons, was taxed to its capacity last night when Mme. Marie, president of the National Association of Retail Milliners, endeavored to ascend to the second floor, where the milliners are holding their first New York convention. Mme. Marie was wearing a reception hat, and for some time it was thought she would have to take the stairs.

It was not that the hat was heavy. The difficulty arose from the fact that the elevator is a structure in three dimensions, the reception hat had attained the least the fourth dimension. The reception hat was the largest of the hats displayed by the milliners last night, though not the most convincing. There was one evolution from the peach basket, all black with sapphire buckles. "Millinery is an art," said Mme. Marie last night as she passed the hat around, "just as much an art as music or getting votes for women. It's all very well to talk about pictures or statues, but when it comes right down to it, how many of these things they paint or sculpture would you consent to wear as you do a hat? I should say not!"

Now, this hat with the sapphire buckles had a small chassis and was almost pure Colonial in style. It was for street wear, but it was just black straw fanned with black velvet. It was epic rather than lyric and too distinguished for anything. "Hats for street wear," said Mme. Marie to the milliners, "will be mostly small. Little turbans and Russian things, you know. Further down over the back of the neck too."

The street hats like a brimless derby in shape or elaborately decorated bathing caps. The values were generally poor and not a single one of them showed the slightest mastery of chiaroscuro. The idea is to build a street hat that will not betray the wearer who attends one of these open air suffrage meetings.

"There is to be a different hat for every occasion," said madame, as a buzz of comment rose over the turbine hats. "For those who go to the opera, a hat of design and color. A complete novelty. Does it what? Change color? Why no. Yes, I suppose a hat might be made of changeable material, but that is not the taxi bonnet. Just like grandmother's hood. A little red riding hood? No, we don't design them. The average of the hats has decreased in some cases. Headgear for the street is helmetlike. Hats for receptions, teas, balls, christenings and aviation have an immense surface area. They are torn fullbrimmed through royal and galleons may be furled in the stiff breeze of an electric fan. The Chanteater hats have the rooster rampant; that thing you see with the rooster setting on a pedestal are distinctly imitations. With the exception of Chanteater all the birds, as well as all the fruits and studies in silk, are antiquated. Aeroplane hats which respond to the prevailing air currents, are useful in aiding one to walk fast without effort. They must, however, be securely fastened and have a head band with a fair wind. Wearing an aeroplane hat with a beam wind makes steering extremely difficult, while with a head wind it is to tack ship at every street crossing."

COST OF LIVING INQUIRY

Senate Committee Begins With Secretary Wilson and Commissioner Neill.

WASHINGTON, Feb. 24.—The Senate committee appointed to investigate the high cost of living got down to business to-day. Secretary Wilson of the Department of Agriculture and Commissioner Neill of the bureau of labor gave an outline of the information they have obtained on this subject as the result of investigations undertaken by them. The Democrats on the committee, Senators Simmons, Clarke and Johnson, made it plain from the very start that they do not wish to accept the results of investigations undertaken by the various Government bureaus and departments. They take the position that investigations of an ex parte character, where there is no opportunity for oral cross-examination, of necessity reflect the opinions of the investigators.

Secretary Wilson said that there has been no substantial change in the prices obtained by the farmer for his food products during the last year. The Democrats questioned this statement, and Senator Simmons, the ranking Democrat on the committee, said this was a conclusion to be established only after the cross-examination of competent witnesses. He said that the investigations conducted by the various departments of the Government are worthless so far as the purposes of the committee are concerned, and he asked that the committee summon witnesses and examine them for the purpose of developing the facts with regard to the high cost of living. It is apparent that the Democrats will demand that the responsibility of the trusts and the tariff be made a subject of inquiry regarding the increased cost of the necessities of life. The committee is at present conferring with the heads of the departments and bureaus that have made inquiry into the reasons for the increased cost of living with the idea of developing the lines to be pursued in making the investigation. No definite plan of action has yet been mapped out. The Democrats will insist upon an open hearing to which the public shall be admitted. The committee will meet again Saturday morning.

A THREE DOLLAR CLIMAX

Curbing Harshly the Don't Give a Damn Automobile Driver.

Coroner's Physician Philip O'Hanon was a witness in the West Side court yesterday against Michael Koehman, a taxi driver, who ran him down in Amsterdam avenue. Dr. O'Hanon was driving up the east side of Amsterdam avenue in his electric automobile when Koehman darted from the west side of the street behind a taxicab and ran his taxicab into Dr. O'Hanon's car. Both machines were wrecked. In the taxicab were Dr. Caray of 177 West Ninth-street and his wife. They were taken to a hospital. The occupants of both cars were badly shaken up. Dr. O'Hanon told Magistrate Moss that he had been very lucky. "Something ought to be done to check these reckless drivers," he said. "Daily they are killing and maiming people. I know because the Coroner's office is constantly making investigations of deaths caused by irresponsible drivers." "You are right," said Magistrate Moss, "and I am going to try to do it. The Court turned to Koehman and said: "You had no business whatever on the east side of the street. If you couldn't pass the car on your own half of the road you should have stopped when it stopped instead of that you went rushing out on the wrong side of the street. I'll fine you \$5."

Thomas F. Walsh Improving

SAN ANTONIO, Tex., Feb. 24.—Physicians attending Thomas F. Walsh, now here recuperating from pneumonia, deny that he has had a relapse or that his condition is serious. He is fast regaining his strength, they say.

NULLIFIES ANTI-TRUST ORDER

Attorney-General Says Army Commissary-General May Buy Trust Articles.

WASHINGTON, Feb. 24.—Attorney-General Wickersham has rendered an opinion which will practically nullify Secretary of War Dickinson's recent order providing that no purchasing officer under the jurisdiction of the War Department shall buy products of corporations that have been adjudged by the courts to be parties to an unlawful trust or combination.

Secretary Dickinson issued this order last June, shortly after the decision rendered in the Federal court for the Southern District of New York in the tobacco trust case. At that time the Commissary-General of the army was forbidden from purchasing articles manufactured by the tobacco trust. Last December a similar order was issued against the Standard Oil Company and its subsidiary concerns.

A short time ago Attorney-General Wickersham rendered an opinion that the order should not be construed so as to forbid the purchase of goods from those who in good faith and in their own rights have accepted titles to them and who are not middlemen or agents of unlawful corporations. The effect of this opinion will be to enable the War Department to deal with concerns which buy their supplies from trusts such as the Standard Oil Company, although the actual purchase of commodities from the trusts or their agents and middlemen is forbidden.

One of the first applications of the modified ruling will be made within the next few weeks in the award of a contract by the Isthmian Canal Commission for the annual supply of lubricating oil. Bids were opened at the office of the commission here on February 21st for 200,000 gallons of valve oil and engine oil and 100,000 pounds of lubricating grease. There were twenty-five bidders. The most advantageous and at the same time the lowest bid was submitted by Wickersham & Co. of New York. A letter accompanied their bid, saying that they were not agents of the Standard Oil Company, but they admitted that their supplies were furnished by the Galena Signal Oil Company, a subsidiary concern of the Standard Oil Company.

While the commission cannot under Secretary Dickinson's order purchase oil directly from the Galena Signal Oil Company, the effect of Attorney-General Wickersham's ruling will be to allow the commission to purchase oil indirectly from the Galena Signal Oil Company through an intermediary who is not an agent of the trust. The proposals have been forwarded to Lieut. Col. George W. Corbett, chairman and chief engineer of the Isthmian Canal Commission. An award will not be made probably for several weeks.

PEARLY RECORDS

Melville and Schley and Gen. Greely May Be Chosen to Pass on Them.

WASHINGTON, Feb. 24.—Rear Admiral Melville, U. S. N., retired; Rear Admiral Schley, U. S. N., retired, and Gen. Greely, U. S. A., retired, all of whom were regarded by the United States Government for distinguished services in connection with Arctic exploration, will probably be selected by the House committee on Naval Affairs to pass on the Peary expedition. The committee is to be appointed a board of this sort to review his notes and observations. It is pointed out that while Admiral Melville has been very much in the public eye since Rear Admiral Schley's original endorsement of Cook, Gen. Greely has kept himself almost entirely out of the controversy. Mr. Peary will be consulted at once to determine whether the three men named would be acceptable to him.

ANNUAL NAVAL PROGRAMME

Two Battleships, Two Cruisers, Five Submarines and Three Destroyers.

WASHINGTON, Feb. 24.—The naval appropriation bill, consideration of which will be completed by the House Committee on Naval Affairs on Saturday of this week, in all probability will contain the following items for the annual programme of the navy: Two battleships of 28,000 tons each, to cost \$11,000,000 each; one repair vessel, two large size naval colliers, five submarines and three destroyers. When Secretary of the Navy Meyer appears before the House Naval Committee next Saturday he will urge the inclusion in the bill of a minimum appropriation of \$20,000,000 for the navy. It is understood that a majority of the committee favors the list.

NO RELIEF FOR CORPORATIONS

House Leaders Have No Intention of Extending Time for Making Returns.

WASHINGTON, Feb. 24.—The leaders of the House have no intention at present of yielding to the pressure that is being brought on them to pass a bill extending the time for making the returns under the tax law. The House is to be advised that the corporations have had plenty of time in which to prepare to obey the law. What they really seem to fear, the House leaders say, is that a bill through which they will strip further rumpus about the tariff act. No demand has come from the Executive branch of the Government for any extension of time. This fact has powerful weight with the leaders.

Wireless for All Government Vessels

WASHINGTON, Feb. 21.—One result of the loss of the naval tug Nina with all on board was the introduction of a bill in the House to-day by Representative O'Connell of Massachusetts requiring all Government vessels which go out of sight of land to be equipped with wireless apparatus. It would include tugs, barges, colliers, revenue cutters and similar craft.

Movements of Naval Vessels

WASHINGTON, Feb. 24.—The collier Macellus has arrived at Norfolk and the battleship USS Iowa is expected to arrive at the collier Hecator has sailed from Hampton Roads for Guantanamo and the torpedo boat Preston from Key West for Knights Key.

That Postal Deficit The Joint Postal Commission in 1907 reported as follows:

"It appears too obvious to require argument that the most efficient service can never be expected as long as the direction of the business is, as at present, entrusted to a Postmaster-General and certain assistants selected without special reference to experience and qualifications and subject to frequent change. Before the Postmaster-General and his assistants can become reasonably familiar with the operations of the service they are replaced by others, who in turn are called upon to resign before they can, in the nature of things, become qualified by knowledge and experience to perform their allotted tasks. Under such a system a large railroad, commercial or industrial business would inevitably go into bankruptcy, and the Post-Office Department has averted that fate only because the United States Treasury has been available to meet deficiencies."

The public accountants' report said:

"The work of the Department and its development is hindered all along the line by slavish adherence to old methods and to precedents created in previous years, and many reforms which might otherwise be instituted are hindered—if not entirely prevented—by appeals to the decisions of the Comptroller, made, perhaps, many years ago under entirely different conditions. Thus, again, the conservatism of Government officials is a generally admitted fact. There is no inducement to employees to suggest improvements in the service for the reason that if these improvements result in greater efficiency or economy of administration they will receive little credit; and, on the other hand, if new methods are not successful they will be charged with the whole blame."

In view of these official statements by those whom Congress authorized to investigate the Post-Office, we submit that the Postmaster-General's attempt to wipe out the deficit in his Department by raising the postage on your magazines, instead of by devoting his energies to securing legislation that will place the service on a sound, efficient and economical basis, is unwise and unbusinesslike. The nature of his recommendations, and the attempt to exempt newspapers from any increase, are final grounds for a divorce of this great business department from politics.

See this week's number of

THE SATURDAY EVENING POST



More than a Million and a Half copies sold every week

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CONSERVATION MEASURE

Bill to Reserve Lands Valuable as Power and Recreational Sites.

WASHINGTON, Feb. 24.—A bill submitted to the House to-day by Secretary Ballinger proposes to authorize the Secretary of the Interior to set aside and reserve lands chiefly valuable as power and reservoir sites before the surplus lands are opened to settlement. It also authorizes cancellation of patents issued for allotments within such sites and reimbursement of the Indians for their improvements and the reallocation of such Indian allotments on other lands within the irrigable areas of the reservation. This is another Administration conservation measure.

No Change in Perkins's Condition

WASHINGTON, Feb. 24.—Congressman Perkins's physicians said late to-night that there has been practically no change in his condition in the last twenty-four hours. They see no chance for recovery, however.

Placed on the Retired List

WASHINGTON, Feb. 24.—Col. Joseph F. Euston, Nineteenth Infantry, and Surgeon A. G. Grunwell of the navy have been placed on the retired list.

Stagley's COCOA PURITY & FLAVOR UNEQUALLED

CORPORATION TAX

Attorney-General Hands Down an Opinion as to Net Income of Real Estate Co. WASHINGTON, Feb. 21.—In answer to a brief submitted to the Secretary of the Treasury by the Allied Real Estate Interests of the State of New York and Allied Real Estate Interests of the City of New York Attorney-General Wickersham to-day handed down an opinion as to the net income of such corporations as it will be regarded by the Government in assessing the corporation tax. The Attorney-General held that what a realty corporation takes title to real property subject to a mortgage, but does not assume the indebtedness secured thereby for such a purpose other than through the passage of equal and just laws the measure was a legal and constitutional one; otherwise it was not.