MANY SAY SPENCER'S INSANE

LONG LIST OF WITNESSES TELL OF PRISONER'S MOODS.

Alienists Interested in Sister's Statement That Alleged Murderer Was Unusually Ticklish Mother Says Queer Doings Began in Early Childhood.

SPRINGFIELD, Mass., Nov. 17. An old stoop shouldered man was directed to the witness stand late this afternoon in the murder trial of Bertram G. Spencer. The lawyer for the prisoner had to shout to make him hear the questions which led him to say that he was James McCarty, night watchman in the jail where the alleged murderer of Martha B. Blackstone has been confined.

"Did you notice anything queer about Spencer's behavior in his cell?" asked the attorney. The old man replied that Spencer frequently asked for cold towels to put upon his head at night. He had often grasped his hair in both hands and swayed from side to side and up and down. McCarty illustrated as well as the limits of the witness box would permit. Spencer had often yelled to the prisoners above him, "Keep quiet up there." When the bar that locked his cell was fastened he would start up and look around wildly. Again the posture was enacted, though Mr. McCarty protested that he wasn't good at imitating. Here Judge Crosby pointed out that the difficulty with this sort of testimony was that it didn't get into the record.

Presently Lawyer R. P. Stapleton turned McCarty over for cross-examination. "You have mentioned your duties at the jail," said District Attorney Callahan quietly; "now just what was your official position?"

"Why—er—I," hesitated the witness, and then he blurted out: "I was down there to serve thirty days and they put me on this job."

"That's all," snapped the Prosecutor.

That sort of thing went on all day. Twenty-three witnesses were called and one deposition was read by the defence in its attempt to prove Spencer insane. Lawyer Stapleton tried to have every one of them break his character instead of making it. Then the District Attorney took them in hand and either by attacking their credibility or by showing that they had had little chance for observation he sought to detract from the value of their testimony. In many cases he got the reply that except at the time of the outbreaks which had been described the witness had found Spencer "a normal, level-headed young man."

The accumulation of testimony covered Spencer as a schoolboy, as a department store salesman, as a brakeman, street car conductor and finally as a receiving clerk in a wholesale meat establishment.

It began when his younger sister, Mrs. Cornelia H. Pultz, who has been just outside Spencer's cage through the trial, told of one night when they were singing together at his house. It was after he was married. He turned on her suddenly and asked why she hadn't been around for the last week. She told him that she was busy rehearsing for a concert.

"Then his eyes grew wild and he trembled all over," said Mrs. Pultz, "and he began to curse and swear at me."

She told of one afternoon when Spencer tried to throw his wife's grandfather, Martin Krailing, into the Connecticut River. Their house faced the bank of the river and on this occasion the defendant had asked the old man for the key that unlocked their boat. When it wasn't produced there was trouble. It took Mrs. Pultz's husband, Mrs. Pultz, Spencer's wife and old Mrs. Krieling to restrain him. The grandfather, a methodical old German, testified to the same incident.

"How long has he had these spells?" asked Mr. Stapleton before Mrs. Pultz left the stand.

"As long as I can remember," she answered. "He has always been that way if any one crossed him. He has never been able to control himself."

The alienists seemed interested when she added that he was extremely ticklish and would run away and scream and laugh at the suggestion of tickling.

The grandmother, who lived with the Spencers, took the stand. Her poke bonnet was tied securely under her chin and she remembered dates and facts that could not be shaken.

"One day Bertram killed the canary. I don't know what for," she said. "He was white and just like a wild man. Oh, yes; I was afraid, too. Another time he killed his cat and threw it out over the ice in the river. He was crazy, too."

There was only one time when Spencer went to pieces to-day. That was when Frank Killian, who worked in a store in Hartford with the prisoner twelve years ago, told of one day when Spencer received a package by mail. He opened it at his counter and inside were some sweet peas and a pipe. "He looked at the box and said 'My mother sent these,'" testified the witness. "'My mother is good.' He was as pleased as he could be to think of the idea that his mother had thought of him."

The prisoner sobbed and his shoulders shook. A few feet away his mother held her face hidden by her handkerchief.

There was plenty of contrast in the witnesses. One was Henry R. Harding, a rugged, successful teacher, 83 years old now, who came from his home in Niantic, Conn., to tell that Spencer's grandfather was unsound in mind. "You could not converse with him about politics or religion or anything like that," said the old man briskly, "because he was unable to adhere to his subject."

Mr. Harding didn't leave the court house until late in the afternoon. He sat in the convivial circle of the waiting room swapping yarns until train time and then he took a youngster of 64 and started for the station.

There was the twang of the Yankee in lots of the testimony. Gardiner J. Oakes, at whose farm near Bernardston, Mass., Spencer lived for a time after he left Mount Hermon school, had seen one or two samples of his anger. "He came there to work for his board," said Mr. Oakes, "by helping me to saw off the woodpile."

"Except once or twice he acted like the ordinary well behaved boy, didn't he?" asked the District Attorney.

"Yuss," replied the witness.

"But there was nothing unusual to excite him, was there?" asked Lawyer Stapleton.

"No, there wahn't," agreed Mr. Oakes.

Herman A. Amberg, Spencer's father-in-law, had something to tell of the prisoner's courtship. "He came to the house maybe a dozen times and then I told my daughter not to go out anywhere with him," said Mr. Amberg. "One Sunday afternoon he came for her and I told him she couldn't go. He got white and raged and swore at me. I would have given him a thrashing if my wife hadn't locked the door on me.

"The girl left home without my permission and married him. We didn't have anything to do with them for a long time, but finally we got together. He had trouble down at Handy's meat store, where I've been for twenty-five years, as soon as he came to work there. He'd fly into a temper and throw a hatchet or whatever he had in his hand at anybody that crossed him. He would change the actions of a schoolboy one minute to a raving maniac the next."

James Kanter, another employee at the meat shop, testified that Spencer actually did throw a hatchet at him and that it stuck in a post close beside his leg. One winter day Spencer threw a pail of cold water over a man who was going downstairs below him. The man hadn't said a word.

An incident in a Hartford department store was recounted by one of the proprietors, William Hunter, and by two salesmen. A cashboy annoyed Spencer, they said, by thrusting a yardstick at him. Spencer had jumped over the counter between two women customers and chased the boy down the aisle with a hammer, falling into a women's way. "He looked like a wild bull" was the characterization of one of the witnesses.

"Did you ever look into the countenance of a bull? Did you ever see its face change expression?" asked Mr. Callahan. "Are you a farmer? Did you ever attend a bull fight? Did you, as a matter of fact, ever see anything but a bulldog?"

The witness appeared sorry for his choice of similes.

One or two threats to commit murder were detailed. Spencer's landlady testified that she had interrupted a fight between him and his room mate, and Spencer had told her that it was a good thing she spoke or the next minute he would have killed the other man. She said that his room was full of sticks and stones and worthless bridges.

The fireman on a train on which Spencer was a brakeman had a row with him one night in the cab, and he said to-day that the prisoner pulled his revolver and was ready to shoot when some others interfered.

"He was a mighty good shot, too, wasn't he?" asked Mr. Callahan. "You've seen him shoot woodchucks from the train hav'nt you?"

"Yes," said the fireman.

Willard Wyman, who had been an attendant in the Northampton Insane Asylum, was motorman on the street car of which Spencer was conductor. He said that on a run one night the defendant went to the front platform and asked Wyman to sing with him. The conductor started it and the motorman, deprecating his own voice, joined in the chorus. Then Spencer told him that he couldn't sing for a damn.

"He could sing and he did sing," said the District Attorney, "and you couldn't sing and yet you sang. Is that right?" The witness agreed. "You admit that you can't sing and so his opinion was right, wasn't it? That's all."

It took all the dignity that Sheriff Embury P. Clark, who is a retired Major-General of militia, could put into his rapping to bring order after this.

"It ought to be understood," said Judge Crosby, "that this isn't an amusement parlor."

It was learned in court to-day that one of the witnesses which the defence has not yet produced is on his way from the Pacific coast. He is a man whose knowledge of Spencer's life has been considered valuable enough to bring him this distance. The cost of the trial to the county, it is estimated, will approximate $30,000.

NO FEELING FOR BEATTIE.

Gov. Mann Finds Only Hardness in Murderer's Attitude.

RICHMOND, Va., Nov. 17.—Crank letters and confessions from various parts of the country received by Gov. Mann caused him to discuss to-day his decision in the Beattie case.

"I have nothing to regret. I feel that I took the right course, and I believe that in the long run what I did will prove the best for the prisoner's poor old father," he said. "One noticeable thing about the case was this: I was asked for nothing more than a commutation or a thirty days respite. This was practically a confession of guilt. As for the respite I reasoned thus: Beattie is guilty and knows he is guilty, and with my refusal before him he has had ample time to prepare himself for the hereafter. He has not impressed me favorably in any way. His whole attitude indicates hardness. He has shown absolutely no feeling for his little child."

The Governor's information is that the father of the condemned man still believes in his son's innocence and explains the present situation by calling it a preordained thing over which he has no control.

WORKMEN'S COMPENSATION.

Important Conference on Congress Bill Held Here.

A conference was held yesterday at the headquarters of the National Civic Federation in the Metropolitan Life Building between Senator George Sutherland, chairman of the Congress Commission on Workmen's Compensation, and members of the federation relative to the workmen's compensation bill, which the commission will report to Congress in January. Among those taking part in the conference were August Belmont, chairman of the department; Francis Lynde Stetson, chairman of the federation's committee on legislative policy; Louis B. Schram, Jesse I. Straus, Cyrus W. Phillips and Joseph E. Cotton, Jr.

The details of the bill were gone into and the features proposed by Senator Sutherland indorsed. He said the theory of workmen's compensation is that when a man is injured he is like a machine which is injured. His effectiveness as a human machine is either destroyed or red ced. The Senator thought it better that the burden should fall on the industry than that the injured man by receiving no compensation should become a public charge.

MRS. FIELD GETS DIVORCE.

She Swears in Reno Court That She Means to Stay in That City.

RENO, Nev., Nov. 17.—Mrs. Emma B. Field, wife of Thomas Pearsall Field, a real estate operator of 128 East Thirty-fourth street, New York, and a daughter of the head of the Beadleston & Woerz brewery, got a divorce to-day on allegations of desertion.

The couple were married on November 15, 1893, and have one child. According to Mrs. Field's testimony Field told her on January 10, 1910, that he wouldn't live with her any longer and taking his personal belongings left her. It didn't appear in the testimony why he did so.

He appeared at trial through H. A. Moore of Cravath, Henderson & Degersdorf of New York and local attorneys, but made no contest. An agreement had been made providing that he should have the care and education of their child and pay her alimony of $1,400 a year.

Mrs. Field testified under oath that she had no intention of returning to New York, but would continue to make her home in Reno, where she had leased a house for a year to come.

SUIT OVER TRAINED DONKEY.

Kicked a Girl Who Was Going to School and $7,000 Damages Are Asked.

Two suits for damages which aggregate $7,000 growing out of the antics of a trained donkey were filed in the Supreme Court yesterday. One suit for $5,000 was brought by Edward Fairclough of 291 East 144th street in behalf of his daughter, Isabel, a school girl, against Hurtig & Seamon, the theatrical managers, where the donkey was performing, and Adam Renz, owner of the donkey.

The complaint says that while the girl was walking on the sidewalk on her way to school the donkey, described as of a "malicious and mischievous disposition," ran up from behind her and kicked her into the gutter. Her collarbone was fractured and she was otherwise injured.

Fairclough files a second action in his own behalf to recover $2,000 for the loss of his daughter's services.

Yale Graduate Found Dead in the Street.

PLAINFIELD, N. J., Nov. 17.—George R. Stelle, a well to do resident of North Plainfield and a graduate of Yale University in the class of '71, was found dead on Johnston's drive this afternoon by William Lee. A deep cut in the forehead indicated that Mr. Stelle had been seized with apoplexy or heart trouble and had fallen.

ATTACK ON HARMON'S RECORD

CHARGE THAT HE FAILED TO ENFORCE THE ANTI-TRUST LAW.

Senator Oliver Declared That Harmon Said the Law Was a Dead Letter—Pomerene Rushes to the Defence of Harmon in the Interest of History.

WASHINGTON, Nov. 17. Judson Harmon's administration of the anti-trust laws during his incumbency of the office of Attorney-General was attacked to-day at the public hearing of the Senate Committee on Interstate Commerce. The attack was made by Senator Oliver of Pennsylvania. Senator Pomerene of Ohio, the custodian of the Harmon Presidential boom, immediately rushed to the defence of Harmon. Senator Pomerene really was the cause of the trouble. He provoked Senator Oliver by saying that he regarded the failure of Attorney-General Wickersham to enforce the Sherman anti-trust law to the letter as "most reprehensible."

The Senate committee is holding hearings as a means of collecting information to guide it in making recommendations to the Senate for supplemental anti-trust legislation. Henry D. Martin of New York, secretary of the Anti-trust League, was on the stand when Senators Oliver and Pomerene clashed. Mr. Martin's testimony was extremely critical of present and former administrations of the Department of Justice. Senator Pomerene took occasion to express amazement over the failure of Attorney-Generals to invoke the criminal sections of the law and he commented on a recent statement of Mr. Wickersham that certain features of the civil provisions were too drastic for enforcement. Senator Pomerene asked the witness if he knew why the law should not be enforced in its entirety. The witness said he could not account for the attitude of the Department of Justice.

"I want to go on record as declaring that the attitude of the Government on its administration of the anti-trust law is most reprehensible," exclaimed Mr. Pomerene.

Then Senator Oliver took the witness in hand.

"Whom do you regard as most reprehensible," asked Senator Oliver of the witness, "the Attorney-General who declared that the Sherman anti-trust law was a dead letter or the present Attorney-General, who, it must be conceded by all, has made some effort to enforce the law?"

Witness Martin replied in substance that Attorney-General Wickersham was entitled to a good deal of credit, whereas the Attorney-General who had said that the law was a dead letter should be condemned.

Glancing at Senator Pomerene Senator Oliver observed smilingly: "Judson Harmon was the Attorney-General who said that the anti-trust law was a dead letter." The other members of the committee familiar with the activity of Senator Pomerene in behalf of the Harmon Presidential boom were very much amused. Mr. Pomerene did not share their levity. Shaking a finger at Senator Oliver he said:

"In the interest of history let me make a statement. My good friend Senator Oliver is mistaken in his statement that Attorney-General Harmon declared the anti-trust law to be a dead letter. In substance that was said by Richard Olney at the time that Mr. Harmon became Attorney-General. The only decision of the Supreme Court under the anti-trust law up to that time was the Knight case, which was adverse to the Government. Another case brought under the law at that time was the Transmissouri case, which went against the Government in the Circuit Court of Appeals. This case was appealed to the United States Supreme Court. Mr. Olney had nothing to do with the proceedings. They were instituted by the new Attorney-General, Mr. Harmon. Against the advice of other officials in the Department of Justice he proceeded in this matter, prepared the brief and personally argued the case in court. That was in March, 1896. The court did not hand down its opinion until March 21, 1897, a few weeks after Mr. Harmon's term of office had expired. I want to state this so that the record will be clear. Mr. Harmon was an efficient Attorney-General."

The controversy between Senators Oliver and Pomerene over the relative efficiency of Attorney-General Wickersham and Attorney-General Harmon thus came to an end. The spat between the two Senators excited a good deal of merriment in the committee room.

"It is hardly conceivable that our Judges, Attorney-Generals, Presidents and other officials have been in a conspiracy to defeat the purpose of this law," exclaimed Senator Cummins of Iowa to-day at the hearing. Commenting further on the apparent ineffectiveness of proceedings instituted under the anti-trust act Mr. Cummins said:

"When a certain course has been pursued by public officials over a period of years without recourse it is to be supposed that there is something lacking in the law or that our public officials are a band of rascals."

Senator Cummins expressed the belief that the fault lay in the law itself. His observations relative to the anti-trust statute were called forth incident to the hearing before the committee of Secretary Martin of the National Anti-Trust League. Mr. Martin insisted that a proper enforcement of the anti-trust law would demonstrate its efficacy in eliminating corporate evils. He charged that the prosecuting officers had failed properly to enforce the law. He took issue with the position of Senator Cummins that the law itself was defective.

Senator Cummins made it plain that he was strongly of the opinion that the anti-trust laws should be amended in some particulars and supplemented in others. He expressed the belief that a provision should be inserted in the law placing a limitation upon the capital of corporations engaged in interstate trade. He said further that he would divorce manufacturing from sources of supply and from railroads and make changes in the law that would be certain to foster competition.

Announcement was made to-day by Senator Clapp, chairman of the Committee on Interstate Commerce, that Bernard N. Baker, president of the Atlantic and Pacific Transportation Company, the proposed independent line to Panama, would be asked to appear.

Senator Newlands of Nevada called attention to the fact that Mr. Baker yesterday called at the White House and laid before President Taft the history of the obstacles which he contended had been interposed by the transcontinental railways to the organization of an independent line of vessels.

"It seems to me," said Senator Newlands, "that if by organization of the great transportation and financial interests of the country this independent steamship line is to be blocked the Government should see to it that the canal is made fully complete as an instrumentality of commerce by itself, securing these ships and operating them just as it does the present line from New York to Panama."

Detroit Edison Company Increases Capital Stock to $15,000,000.

ALBANY, Nov. 17.—A certificate was filed with the Secretary of State to-day showing that the Detroit Edison Company, with principal office in New York city, has increased its capital stock from $9,000,000 to $15,000,000. It is signed by Alexander Dow, vice-president, and H. F. Kreyer, secretary.

GERMANY OBJECTED.

And the Plan of New Jersey Corporation to Build a Railroad in Asia Minor Is Dead.

WASHINGTON, Nov. 17.—Information was received in Washington to-day that the Ottoman-American Development Company, a New Jersey corporation, which plans to build a $100,000,000 railroad in Asia Minor, is about to withdraw from the proposed project because of its inability to obtain an approval of its concession from the Turkish Government. Secretary of State Knox has backed the proposed project with his diplomatic influence. The failure of the plan is generally attributed to the influence of Germany in Turkish affairs. Officers of the State Department admit that the project is practically dead, with no hope of reviving it.

Several years ago the Ottoman-American Development Company applied to the Turkish Government for a concession to construct and operate a railway system in Asia Minor having a total length of about 2,000 kilometers and involving an estimated expenditure of about $100,000,000. The main line of the road was to run from Suedi, a port on the Mediterranean, to Diarbekir, and thence to Bitlas and Van. The project was approved by the Minister of Public Works and the Council of State of the Ottoman Government.

The German Ambassador at Constantinople interposed an objection to the concession on the ground that it would conflict with the rights and privileges granted to the German syndicate holding the concession for the Bagdad railroad and also that it would be in conflict with the Turkish mining law of 1907. This law was enacted at the time when the Powers consented to an increase of from 8 to 11 per cent. in the Turkish customs duty.

The legal advisers of the Ottoman Government and the American concern reported that the position of the German Government was untenable and that the proposed concession would not violate either the terms of the Bagdad railroad concession or the Turkish mining law. The opposition of Germany was a surprise to officers of the State Department, in view of Germany's advocacy of the "open door policy" in other parts of the world.

GOVERNMENT TO APPEAL.

From Injunction on Interstate Commission by Commerce Court.

WASHINGTON, Nov. 17.—The announcement was made at the Department of Justice to-day that the Government would appeal from the decision of the Commerce Court granting an injunction to transcontinental carriers against the Interstate Commerce Commission, the injunction restraining the commission from making effective its orders in the so-called intermountain freight rate cases. It was a foregone conclusion when the court handed down its decision that the Government would appeal, and statements to this effect were at once made by Government attorneys who had appeared in the case.

It is expected that the Government will note its appeal in the Supreme Court of the United States within a few days. While the injunction granted was a temporary one pending final determination of the issue by the Commerce Court, the opinion handed down clearly indicated, according to the judgment of the Government attorneys, that the court would make the injunction permanent, and so it has been decided to save time and thresh out the matter on the temporary injunction.

The Commerce Court decided that the commission was without authority to establish blanket freight rates through the mediumship of a zone system.

Movements of Naval Vessels.

WASHINGTON, Nov. 17.—The tankship Arethusa has arrived at Sewalls Point, the battleship Utah at Cape Cod Bay, the battleship Mississippi at Hampton Roads, the gunboat Paducah at Santa Cruz del Sur, and the tug Intrepid at Mare Island.

The cruiser Cincinnati has sailed from Mare Island for Honolulu, the torpedo boats Biddle, Dahlgren, De Long, Shubrick and Stockton from New York yard for Sandy Hook Bay and Norfolk, the torpedo boats Macdonough and Worden from Newport for Sandy Hook Bay en route to Norfolk, the collier Vulcan from Newport for Norfolk, via Delaware Breakwater; the collier Brutus from Newport News for Portsmouth, N. H.; the tug Ajax from Hampton Roads for Guantanamo, the tug Uncas from Norfolk for Guantanamo and the tugs Patuxent and Potomac from Norfolk for Pensacola.

John W. Garrett Appointed Minister to Argentina.

WASHINGTON, Nov. 17.—John W. Garrett of Baltimore, now American Minister to Venezuela, has been appointed Minister to Argentina, succeeding John R. Carter of Maryland, who resigned recently from the diplomatic service rather than go to Buenos Ayres. The transfer of Mr. Garrett from Caracas to Buenos Ayres was announced by Secretary of State Knox after the Cabinet meeting.

Mr. Garrett has been in the diplomatic service since 1901 and was formerly secretary of the embassy at Rome.

Army and Navy Orders.

WASHINGTON, Nov. 17.—These army orders were issued to-day:

Lieut. Col. Elmore F. Taggart, to Fourth Infantry, vice Lieut. Col. David C. Shanks relieved.

First Lieut. Allen W. Gullion, from Second to Twentieth Infantry.

First Lieut. Lloyd R. Fredendall, from Twentieth to Second Infantry.

These navy orders were issued:

Rear Admiral Corwin P. Rees, retired, from commandant of training station at North Chicago to home. Capt. W. F. Fullam, to commandant of training station at North Chicago.

Midshipman J. A. Fletcher, from the Vermont to the Montgomery.

Midshipman L. A. Davidson, from the New Hampshire to the Montgomery.

Midshipman M. J. Foster, from the Mississippi to the Montgomery.

Midshipman M. S. Brown, from the Nebraska to the Montgomery.

Midshipman H. M. Branham, from the North Carolina to the Montgomery.

Midshipman F. S. Steinwachs, from the Idaho to the Montgomery.

Midshipman F. Bradley, from the Michigan to the Montgomery.

Midshipman L. Anderson, from the South Carolina to the Montgomery.

SEA CAPTAIN BUFFETED.

Rough Sea Threw Him From One End of the Bridge to the Other.

The Russian steamship Estonia, which arrived last night from Copenhagen, sailed originally from Libau with passengers for this port. A leaky port boiler forced her into Copenhagen, where her passengers were transferred to the Lituania, a sister ship, which arrived here on Sunday. The Estonia made repairs and sailed from Copenhagen on October 28, running into foul weather, the worst of which came in a series of hurricane squalls. Capt. Smiltneek declares that the blast was so fierce that it bent the steel stanchions holding the weather cloth on the bridge and that he was slammed by gale force alone and whirled from one end of the bridge to the other, or clear athwartships. One giant sea overwhelmed all the superstructure, flooding the chartroom and the skipper's berth. The coming of the hurricane was sudden, and it vanished as swiftly as it had appeared after giving the skipper and his men a mighty uncomfortable six hours of tumult.

Theo. D. Robinson's Election Expenses.

ILION, Nov. 17.—A statement of the election expenses of Assemblyman-elect Theodore Douglas Robinson, the successful candidate for member of Assembly and nephew of ex-President Theodore Roosevelt, has been filed with the election commissioners of Herkimer county by Douglas Robinson, the father of the Assemblyman. Robinson spent $1,293.45 and of this amount $1,000 went to the county committee for workers, carriage hire and other legal expenditures.

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RAFFLES DEMANDS NEW TRIAL.

Tourbillon Makes Scene by Scoring Prosecutor and His Own Lawyer.

Robert A. Tourbillon of 27 West Sixty-fourth street, who was arrested under the name of Thomas Watson for holding up the night clerk of a hotel in the Tenderloin, was convicted of robbery in the first degree yesterday before Judge Swann in General Sessions. When he heard the verdict of the jury Tourbillon addressed the Court.

"Your Honor," he said, "I move that a new trial be given me on the ground that as I was being led into the court room to hear the verdict I saw Assistant District Attorney Wasservogel talking to the jury."

Judge Swann asked Mr. Wasservogel and the jurors if this were so. They denied it.

"Then," said Tourbillon, "I make the motion on the ground that my counsel, Alexander Karlin, did not call all the witnesses I asked him to."

"I thought your counsel tried the case remarkably well," said Judge Swann. "When a man is convicted the first thing he does is to turn on his counsel."

Tourbillon at Judge Swann's suggestion then called several men whom he said Mr. Karlin had refused to call. None of them knew anything directly affecting the case. To some Joseph Russo, another prisoner arrested for the holdup, had said that Watson was innocent. Tourbillon's wife spoke up from her seat in the court room and said that Russo had told her that her husband was innocent. Tourbillon added that Russo had tried to buy up the witnesses in the case.

Judge Swann remanded Tourbillon until November 21 for sentence. Then he addressed the jury.

"Gentlemen," he said, "you need not worry lest you may have convicted an innocent man. He is as smooth a rascal as ever came before me. As Assistant District Attorney Wasservogel told you in his summing up, he is a real Raffles. I think he is a very dangerous character. I suspect that he smokes opium and I should not be surprised if his wife were a dope fiend also."

Tourbillon said that he came from Atlanta, Ga., in 1901. At first, he said, he was a circus performer and did an act in the lion's cage which was called the "circle of death." For several years he has been salesman for a tailor. He admitted going to the Hotel Roy in West Thirty-fifth street on the night of June 15 with several companions, but said he left before the holdup.

Mr. Wasservogel in summing up referred to the prisoner as a Raffles. He did not deny that he worked as a salesman in the daytime, but at night, he said, he was a holdup man. He was known as John Collins, Rats, Stephen Daley and Gus Larsen, according to Mr. Wasservogel. Four years ago he was indicted for taking $500 from a man at Thirty-ninth street and Broadway. The complainant did not appear at the trial and he was released on his own recognizance. The indictment is still on file against him, said Mr. Wasservogel.

On the night of June 15 Watson, Joseph Russo, Louis Bauman and others held up Charles Simmons, night clerk of the Hotel Roy, and took from the safe $160. Bauman gave bail in $5,000 and disappeared. Russo pleaded guilty and was a witness against Watson or Tourbillon.

NEW CANDIDATE FOR SPEAKER.

Sullivan of Chautauqua County Is Willing to Enter the Contest.

DUNKIRK, Nov. 17.—John Leo Sullivan of Dunkirk, Assemblyman for the Second Chautauqua county district, received to-day a letter from R. W. France, chairman of the State politics committee of the Brooklyn Young Republican Club, asking his acceptance of the candidacy for the Speakership of the Assembly at the coming session as representative of the progressive element of the Republican party against Edwin A. Merritt, Jr., of Lawrence county. Mr. France said that it had been suggested in a number of the quarters that if Mr. Sullivan were favorably disposed to consider it a successful effort might be made to unite the support of those opposed to Mr. Merritt's election on him as a candidate.

Mr. Sullivan in his written reply to-night said that inasmuch as the progressive element of the party seems to desire to have him as a candidate for the Speakership he is willing to enter the contest. Mr. Sullivan has served nearly three terms in the Legislature and was elected this month for a fourth term. He was a member of the Judiciary Committee during the last session and participated actively in the work of that body.

AHEARN'S ELECTION STANDS.

J. J. Hines Withdraws His Contest of the Nineteenth's Democratic Primary.

James J. Hines, who ran against Leader James Ahearn for the Tammany leadership of the Nineteenth Assembly district at the last primaries and on the face of the returns was beaten by about 200 votes got permission from Supreme Court Justice Seabury yesterday to withdraw proceedings he had started to declare the entire election void because of alleged frauds in a number of the districts.

In his complaint Hines said that the election inspectors had counted a number of Ahearn "cannon ballots," or ballots pressed together and voted in numbers of from two to six at a time. He said they rejected some of these "cannon ballots," but permitted enough to remain to defeat him. He said that if the count had been honest he would have won by about 100. He charged that the district was filled with strong arm men on primary day, and that Aqueduct police were brought down to the city and carried around in the polling places at the expense of Ahearn for the purpose of intimidating voters.

Hines withdrew his proceeding before the court had considered it, by agreement with counsel for Ahearn.

An Exhibit of Christmas Gifts.

The educational museum of Teacher College will have an exhibit beginning on Friday of next week of ideal Christmas gifts for children. The exhibition is under the auspices of the kindergarten parent association of the Horace Mann School and its purpose is to set a higher standard for the selection of gifts for children and to provide a more useful consideration of the question by choosing a limited and careful collection of books, pictures and toys together in a model playroom. The exhibition will be open from November 24 until Wednesday, December 20, except Thanksgiving Day.

Left $50,000 for Worthy Charities.

The will of Daniel Cunningham, who died on October 8, disposes of an estate worth over $500,000 and directs that his executors distribute $50,000 among worthy charities. He left $110,000 to his sister, Margaret Flood, of County Down, Ireland, while twenty-five relatives divide the residuary estate. The Rev. Father Louis J. Sloane of Sea Cliff, L. I., gets $5,000.

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MEN'S RAINCOATS, SWEATERS AND SCARFS AT EXCEPTIONALLY LOW PRICES

WILL BE ON SALE THIS DAY (SATURDAY), AS FOLLOWS:

MEN'S RAINCOATS . . . . AT $12.00
MEN'S SWEATERS . . . . . AT 3.50
MEN'S FOUR-IN-HAND SCARFS OF IMPORTED SILKS . . . . . AT 65c.

A SALE OF SHOES FOR GIRLS AND LITTLE CHILDREN AT VERY SPECIAL PRICES

SIZES 8 TO 10½ . . . . AT $1.50
SIZES 11 TO 2 . . . . AT 1.85
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FUR AND FUR-TRIMMED COATS FOR MEN, WOMEN, BOYS AND GIRLS; FUR RUGS AND ROBES, ETC.

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HAVE MADE REDUCTIONS OF ABOUT ONE-HALF IN THE PRICES OF A VARIETY OF SEASONABLE STYLES IN

TRIMMED HATS

WHICH WILL BE OFFERED THIS DAY (SATURDAY), IN THE DEPARTMENT ON THE THIRD FLOOR, AT $12.00

Fifth Avenue, 34th and 35th Streets, New York.

THE BOYS' AND GIRLS' PAGE
of the
SUNDAY SUN

became a fixture on its first appearance.

TO-MORROW

the fly, the flea and the mosquito will tell another story-lesson; there will be more of Sammy's charades; more stories of the stars; more anagrams.

There will be stories, too—real, live stories—that the boys will be glad to read, and stories—just as real and just as live—that the girls will rejoice over.

Taken altogether, the younger members of the family will find in to-morrow's

SUNDAY SUN

TWO WHOLE PAGES ALL THEIR OWN

COURT-MARTIALLING A MAJOR.

Important Military Trial Begun at Governors Island.

One of the highest ranking court-martials which has been assembled in the War Department's eastern division in a good many years convened yesterday at Governors Island to try Major Frank T. Woodbury, Medical Corps, who is accused of neglect of duty. The alleged neglect is said to have occurred at Fort Screven, Georgia, from March 9 to March 13 of this year, where it is charged that Major Woodbury did not properly supervise treatment given to Private John A. Goneau of Company L, Second Infantry, a patient in the hospital there.

The detail for the court includes Brig.-Gen. Tasker H. Bliss, U. S. A., Fort Totten; Col. Calvin D. Cowles, Fifth Infantry, Plattsburg Barracks; Col. Adam Slacker, Coast Artillery Corps, Fort Banks; Col. John V. White, Coast Artillery Corps, Fort Hamilton; Col. Thaddeus W. Jones, Tenth Cavalry, Fort than Allen; Col. George R. Cecil, Twenty-ninth Infantry, Governors Island; Col. Clarence P. Townsley, Coast Artillery Corps, Fort Williams; Lieut.-Col. William Stephenson, Medical Corps, Governors Island; Major Frederick P. Reynolds, Medical Corps, Fort Monroe; Major Daniel B. Devore, Infantry, General Staff Corps, Governors Island, and Major Elbert E. Persons, Medical Corps, Governors Island. Capt. Samuel T. Ansell from Governors Island is acting as judge advocate. In a civil court he would be called prosecuting attorney. Capt. S. E. Madden, Twenty-ninth Infantry, Governors Island, is the military counsel for the defence and ex-Assistant District Attorney E. Crosby Kindleberger is the civil attorney for the defence.

In yesterday's proceedings Capt. Ansell said that the United States would attempt to prove that Major Woodbury had failed to note certain physical conditions manifested by Private Goneau, had not personally examined the patient and had not reported these conditions to the officer who succeeded him on March 14. Private Goneau took the stand and told of his sickness and how he became paralyzed. He said that he had not complained to anybody and stated that between March 8 and 13 his bedding had been changed but once and that he had not received other necessary attentions.

All this happened at the time of the Texas army manœuvres and the detail at Fort Screven was moved, except the sick, to Fort Russell, Wyoming. The defence, it was said, will contend that Private Goneau had the best treatment possible for his disease and that his care was the most thorough that could be given under a routine somewhat demoralized by an impending move. The Government has summoned witnesses from the Philippines and from Honolulu. All are not here yet and it will take several weeks before the trial, counting adjournments for witnesses to reach here, will have been completed and reviewed by Major-Gen. Grant and a decision announced.

EDNA GOODRICH TO GET $65,000.

Actress Settles Differences With Nat Goodwin—He's to Pay Her Debts Too.

LOS ANGELES, Cal., Nov. 17.—Nat Goodwin and his former wife, Edna Goodrich, have signed an agreement whereby Miss Goodrich is to receive $65,000 clear in consideration of giving up all claim on Goodwin's estate.

Goodwin is to pay all her expenses, including the hotel bill of $2,300 due the Onward Construction Company of New York for a board bill contracted by her at the Ansonia in that city.

An attempt was made recently to attach Goodwin's property here in satisfaction of the judgment obtained for this debt against Miss Goodrich in New York, but the Sheriff failed to find anything attachable and the writ was returned unsatisfied.

According to the terms of the agreement which was signed in New York at the office of her lawyer by Miss Goodrich and then sent to Goodwin at Little Rock, Ark., for his signature and finally forwarded to Mayor T. H. Dudley of Santa Monica, the trustee of the Goodwin estate, the payment of $65,000 must be made to Miss Goodrich by December 15, otherwise the agreement is void.

This agreement will end the suit brought here by Goodwin to have set aside the trust agreement executed to Mayor Dudley by Goodwin for the benefit of himself and Miss Goodrich.

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