

ANOTHER REBUFF TO HAIN'S DEFENSE

Accessory May Be Guilty of Murder, Though Principal Innocent.

CASE FOR HAINS OPENED

Denied That Brothers Went to Yacht Club With Intent to Kill Annis.

Said Thornton Tried to Restrain Captain.

FLUSHING, L. I., Dec. 26.—No sooner did the state this morning close its case against Thornton J. Hains on the charge of murdering William E. Annis than the defense moved to dismiss and then the court struck another blow at its hopes.

The defense then stated its case, which was that Captain Hains, mentally unbalanced, accompanied his brother to the yacht club's boat on a real estate deal, there saw Annis and rushed to kill him; that Thornton Hains tried to get his brother away on learning that Annis was near, but the Captain broke away; that after the shooting Thornton simply tried to protect his brother.

State's Final Evidence. When court opened District Attorney Darrin called Prosecutor George Bolton to tell of the efforts he had made to serve a subpoena upon John Tanning, the missing witness. He was excused, and Louis Haraway, who was with Annis on the boat, was recalled. He gave the dimensions of Annis' boat. Then the prosecution rested.

Severe Ruling Against Hains. "Right there I disagree with you," Judge Hains said, "I hold that this man may be guilty of murder in the first degree, as a proposition of law, although the man who held the revolver and fired the shot was not guilty of murder and was not insane."

Case for Defense. Joseph Shay, assistant counsel for Thornton Hains, in opening the case for the defense, charged that the evidence of the state bore semblance of falsehood, invention and manufacture.

Contradicts Fallon and Skura. Eugene N. L. Young, one of Hains' counsel, took the stand. He said he was with the defendant at the Coroner's inquest when Officer Fallon testified that he heard the defendant say that he wished "the court go down to hell and get Annis and kill him again."

Started on Real Estate Deal. Mr. Shay said that on the day of the killing of Annis the two brothers left Brooklyn, intending to go by motorboat to Fort Hancock, N. Y. Thornton Hains carried his rifle with him, as a signal of distress in case the motorboat ran short of gasoline, or for self-protection in case of attack by thieves or river marauders when landing after dark.

Ways of Detectives. Mr. Young said on cross-examination that the reason he had called Mr. McIntyre's attention to Officer Fallon's testimony was that that officer had been a precinct detective. Precinct detectives were prone to put statements in the mouths of witnesses, and Mr. Young was accused and court was adjourned until Monday.

Shay's Version of Killing. Describing the killing of Annis, Mr. Shay said that the Hains brothers were inquiring at the Bayview Yacht Club for Mr. Jespersen, the real estate dealer, when Mr. Birchfield, who was standing nearby, spoke to Mrs. Annis by name. At this time, he said, Thornton Hains asked that were "Billie Annis' wife," and asked if Annis was there. Thornton was told that Annis was on board this boat, which was then approaching the dock. Continuing, Mr. Shay said:

"Thornton Hains, realizing that a slight of Annis' to his brother, to probably mean the undoing of his mental improvement, decided to get away. It was then that he turned to his brother and taking him by the arm, said:

"Come on, Peter, Jespersen is not here. Let's go back. The captain shook himself from the defendant and instantly Mr. Birchfield ran down the gang-plank, the boat being in."

Whole Story of State False. Mr. Shay promised to show that all, or almost all, of the statements attributed to the defendant are absolutely false and untrue; that every shot was

SCENE OF THE HAIN'S MURDER TRIAL AND SNAPSHOTS OF ATTORNEYS



COURT HOUSE, FLUSHING



PROSECUTOR DARRIN

ASST. PROSECUTOR WHITE

SHAY AND MCINTYRE, COUNSEL FOR DEFENSE AND MAJOR HAIN'S

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discharged before Thornton was even upon the boat; that Mrs. Annis was not pointed at her back, and that "inasmuch as his brother was insane or practically deprived of his reason, the defendant was only endeavoring to prevent him from committing an act dangerous to himself or to another."

French Diplomats Promoted. PARIS, Dec. 26.—Viscount de Chambrun and Viscount de Marcell, secretaries of the French Embassy at Washington, have been promoted from the third to the second in the rank of secretaries.

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President Unable to Act. GOMPERS CASE STILL UNDER JURISDICTION OF COURTS. Roosevelt Issues Statement Showing Executive's Position in Labor Contempt Case.

WASHINGTON, Dec. 26.—In an official statement issued at the White House today in regard to Presidential interference in the case of President Gompers, Vice-President Mitchell and Secretary Morrison, of the American Federation of Labor, now under sentence for contempt of court, attention is called to the fact that the cases are still before the courts, and that no matter what the President's opinion may be as to the justness of the sentences imposed, he cannot take any action looking to pardon or express any opinion as to the merits of the case.

Text of the statement follows: "Various appeals have been made to the President to interfere by pardons in the case of Mr. Gompers and his associates. Those making the appeals are not aware of the fact that the matter is still before

BURTON TALKS OF BOSSES

SAYS THEY ONLY THRIVE WHEN VOTERS ARE WILLING.

Also Believes His Own Chances for Senatorial Election Are Very Good.

TOLEDO, O., Dec. 26.—"The Senatorial outlook is good. My chances are good and I have the votes, if I can keep them," declared Congressman Theodore Burton, of Cleveland, upon his arrival here today to speak at a banquet of the Wholesale Merchants' and Manufacturers' Board.

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Advertisement for Gumbert's Furs. Features the text: 'Fine Cloaks and Suits Gumbert's FORMERLY THE NONPAREIL FURS--HALF PRICE'. Includes an illustration of a fur coat and a hat.

Great Reductions on All Holiday Goods. Fancy Neckwear, Comb and Brush Cases, Dolls, Books, Games and All Kinds of Toys

Advertisement for Roberts Bros. Features the text: 'The Most in Value Roberts Bros THIRD AND MORRISON The Best in Quality Goods Promptly Delivered. Mail Orders Carefully Filled.'

Clean-up Sale

Opportunities for the Careful-Buying Housewife

Time to say good-bye to all small lots, incomplete lines, odd sizes and remnants—time to make a clean sweep of them, to hurry them out in double-quick order. All preparations have been made for the undertaking, and it only remains for the hour of 8 o'clock tomorrow morning to arrive.

BE AMONG THE FIRST IF YOU WANT TO SECURE THE CHOICEST OFFERINGS.

Sale of Dress Fabrics

The items tell of fabrics of up-to-the-moment fashionableness; plain, fancy and mixed effects, every weave, every color, and at a wide range of prices—all reduced. The selling will be fast; some lots will be speedily exhausted; the whole huge sale assortment will not last long under the greatly reduced prices attached to them.

In the Dress Goods Department. An extra special showing of 52-inch Broadcloth, fine all-wool, good, lustre finish; this handsome material comes in colors tan, navy, cardinal, brown, green, openhagen, gray, steel, etc.; extra wearing quality. Regular \$1.25 grade, specially priced for this sale.....79c

19-INCH SILKS AT 48c YARD. A special offering of 19-inch French Bengaline Silk, a very desirable brilliantine, pliable and extremely durable. This handsome material comes in solid colors, black, brown, green, cream, red, navy, champagne, ciel, pink, cardinal and scarlet. Extra value at.....48c

AN EXTRAORDINARY SALE

3000 Bleached Sheets 25c

Best 50c Values, One Day Only, Monday. PERSONS KEEN TO APPRECIATE UNUSUAL VALUES will lose no time in attending this sale. If anything were needed to further demonstrate the saving advantages that accrue from buying at this store, it's found in this sale tomorrow. It's a great special sale of about 3000 bleached Sheets, made of good, durable sheeting 72 by 90 inches, finished with neat hem; sheets that have always sold at 50c 25c each, and fully worth that price, are marked for this sale, while they last, Monday at

Special Offerings in Women's Knit Underwear and Hosiery

WOMEN'S STOCKINGS, 35c VALUE, AT 25c. A special offering of about 500 dozen women's wool Stockings, Burson fashioned, full seamless; good, warm, durable stockings, always sold at 35c a pair, priced for this sale at.....25c

Wonderful Bargains in Blankets, Comforters

Compare the following special values with any found elsewhere at the same price, and you will readily see what we mean by "Best Values." The women of Portland have, by their liberal patronage, certainly signified their approval of these clean-up offerings. You cannot fail to be impressed with the fact that this is an unprecedented offering and one sure to please. We know of no other store that places before you such inducements as these.

Men's Department. Now you can revel in bargains; now you can buy the longed-for garments. It is the beginning of the great movement of clean-up sales, and prices have crumbled. A hint to the thrifty: First comers get best choice. Here's the list: Third off on all Smoking Jackets. Fourth off on all Fancy Suspenders. Fourth off on all Mufflers. \$1.15—Men's gray kid Gloves, English make, regular \$1.50 value, \$1.15.