

laugh at it were the circumstances less grisly. Indeed, I don't know why the law should not take cognizance of the doings of criminal lawyers as sometimes shown in murder trials. A line might be drawn where the counsel ceases to be merely the defender of the accused and approaches the status of particeps criminis. Mr. Howe, as we know, began by denying that Gulden-suppe had been murdered at all; he was alive and well, and had been seen in Germany since his disappearance here. Thorn, and Mrs. Nack as well, were consequently as innocent of any guilty knowing or doing regarding him as were any of the preserved babies in Mrs. Nack's bottles. Nay, the trial was delayed a couple of weeks to allow time for witnesses from abroad to come hither and testify to these—can we call them facts?

No Surprise to Any One. The witnesses have not appeared, not to anybody's particular surprise; but neither this nor the open revelation that Gulden-suppe was murdered (he says); but Mrs. Nack and not Thorn—that is, as it happens, Mr. Friend's client and not Mr. Howe's—did the killing. Had Mr. Howe been defending the lady would his conclusions have been the same as they are now?

Remember that the murder is now conceded, and the law demands the punishment of the murderer or murderers. There is not the shadow of a justification for the claim that Thorn had nothing to do with the crime except to pose as a horrified accessory to it. Thorn had every motive for killing; Mrs. Nack had none whatever. No one who has seen the two persons can doubt that, physically and temperamentally, the plan and execution of the crime were characteristic of Thorn and not of Mrs. Nack. But she was accessory, and, in my personal opinion, ought to suffer the same penalty as Thorn, since that is what the law provides.

Place to Draw the Line. When, however, counsel attempts to get professional revenge by rescuing his client altogether, he seems to me to go too far. Justice is what the law demands, not the forwarding of quarrels between lawyers. Gulden-suppe was a brutal bully, but as a murdered man he is second to no citizen in value and importance; his death must be requited, whether Mr. Howe is vexed or not. Of course, in this instance, Mr. Howe's attempt must fail; but that is a minor matter; the question is, Should the principle be tolerated? I need not add that when I speak of Mr. Howe I but use him as a type of the professional class to which he belongs. He is abler and stronger than most of them; possibly he is more scrupulous.

Judge Smith, upon Mr. Young's announcement concerning the appendix, adjourned until to-morrow. Mr. Howe was agreeable. "I am beginning to take delight in coming here," said he, with a geniality as broad as his overcoat. "I am sure we are delighted to have you come," responded the District-Attorney. Then Mr. Howe turned to Thorn, took his hand, and said something to him which must have been of a jocose flavor, for Thorn laughed! At that laugh I left the court room by the nearest exit; a more ghastly spasm I never looked upon. Had the headless fragments of Gulden-suppe's body assembled themselves in a hornpipe the spectacle would not have been more greswome. But it was the best representation of the laugh of innocence that Mr. Howe could elicit at that moment, and I suppose he should be congratulated on getting that.

THORN IN COURT ONLY TWO MINUTES.

The Judge, on Hearing of Juror Larsen's Illness, Immediately Ordered Adjournment.

The proceedings in the Thorn case yesterday lasted only two minutes. Court was called to order at District-Attorney Young's, Physician William J. Burnett, of Long Island City, and Lawyer Howe, in reference to the illness of Juror Larsen, and Judge Smith adjourned court until 9:30 o'clock this morning. Thorn was brought to the court room by Captain Methven and Constable Rausch, his constant companions before the bar, during the trial. Thorn had been shaved. He had never given a customer a cleaner one. The smoothness of his face was particularly apparent by reason of the pallor of his features. Whether he slept well through the night after his accomplice had betrayed him or not, his eyes were clear and bright, and the usual gleam of his face was continually held since he was brought before the gaze of the court room crowd remained there. There was little change in his demeanor, except that he seemed a little whiter. His thin lips were more tightly pressed together, and his solid jaws more firmly shut. Thorn gazed calmly about the room in the minute before Justice Smith appeared, and his lips curled with a faint and contemptuous smile, after he had swept his eyes around him and beheld the many curious glances directed at him. He had a seal's skin as a silk hat, and then nervously clasped his hands and sighed. "Thorn's hair has never been so soft, except in the most perfect order. He must have always been the best brushed barber in the shop." Once he looked up at the gallery, where a young woman sat. As his eye met hers she smiled and he smiled back, with a quick look on his face. Evidently he did not know her.

The Businesslike Judge. Justice Smith entered the court room and took his seat with that businesslike air which characterizes him. He brought down his gavel and the clerk called out, "By his due oath, the case of the People versus Martin Thorn was the business before the bench." The attendance was small. The spectators of the previous day had learned what was now about to occur. District-Attorney Young arose and addressed the Court, saying: "If Your Honor please, I understand from the physician that the illness of Juror Larsen upon Juror Magnus Larsen that he is critically ill." "The defendant in court?" asked Justice Smith. "Yes," answered the District-Attorney,

turning and pointing to where Thorn was seated. "I understand," continued District-Attorney Young, "that it will be impossible to remove him to court, and that he is unable to attend the trial to-day." "What of that?" asked Justice Smith, addressing Dr. William J. Burnett, who was standing within the rail. "It is true, Your Honor," answered the physician. "What seems to be his ailment?" inquired the Court. "He has all the symptoms of appendicitis." "Perhaps you will be able, doctor, to say more about the case to-morrow, will you not?" "Certainly, sir." "Is it possible that the juror will be able to be here to-morrow?" "It is possible, but I think not probable," said the physician. "What do you say?" asked Justice Smith of Dr. Burnett. "I must yield to the inevitable. It cannot be helped, Your Honor." "Then," said Justice Smith, "court is adjourned until to-morrow morning at 9:30."

Thorn Taken Away. Thorn was quickly handcuffed and taken through the staring crowds to the jail below, where he was locked in his cell to await the next step in his case. Justice Smith said to a Journal reporter in reference to the effect of the sickness of Juror Larsen upon the progress of the case: "If it is discovered that the juror is seriously ill, and that he will not be able to attend court for several days, the present trial will terminate. Of course, the case cannot proceed without twelve jurors. If Juror Larsen prove to be unable to do jury duty, a mistrial will be declared, a new panel selected, and a new trial entered upon. This new trial will begin exactly where, and in the same manner the present one began."

Justice Smith said this immediately after adjournment, not then foreseeing that a new trial would really be necessary. Both District-Attorney Young and Mr. Howe expressed their regret at the sickness of Juror Larsen. Neither of them, however, looked forward to the empanelling of another jury, and the rehearsal of the somewhat tedious testimony which preceded the startling confession of Mrs. Nack, with any degree of pleasure. It was practically decided by the prosecution, even before the illness of Juror Larsen took such a serious turn that an operation was necessary, to make a motion for a mistrial.

Lawyer Howe said last night: "You can easily imagine that I look forward with dread to beginning this thing all over again. A big trial like this is very wearing upon a man, and to go over it all again—ah, it is too bad, too bad." With every day in the great trial bringing forth its sensation, nobody suspected that it would collapse in this unfortunate manner. There have been other cases like it, however.

That which Lawyer Howe and Attorney Rosinsky recalled as soon as Juror Larsen's sickness gave a new turn to affairs was a case of widespread fame in New York City years ago. An Italian named Michael Cenconi was found robbing a shoe store by a policeman named Eugene Anderson. The tragedy which followed reminds one of the shooting of Policeman Smith by the church robber, Steiger, alias Myer. No sooner had Anderson entered the store than Cenconi leveled his revolver and fired. Anderson fell, mortally wounded, and died almost instantly. The case went to trial, and on the fifth day one of the jurors fell sick. His illness took a critical turn, and it was announced that he would not be able to attend the trial further. The counsel for the defence and the prosecution agreed that they would escape what they regarded as a technicality of the law by allowing it to go to the jury. Their excuse was that the sick juror had been in the case, and that it was not strictly false that twelve jurors had been present.

OPERATION UPON JUROR LARSEN.

Dr. Burnett Hopes He Will Recover, But Admits the Man Is in Danger.

Juror Magnus Larsen was operated upon for appendicitis at the Garden City Hotel yesterday afternoon by Dr. Lanehart, assisted by Dr. Burnett. It will, however, certainly be ten days before the juror will be able to walk or appear in court. In view of this circumstance, District-Attorney Young yesterday telephoned to Captain Methven, who has charge of the jury, and directed him to bring the remaining eleven jurors to court this morning. The surgeons found that perforation of the vermiform appendix had taken place. Dr. William J. Burnett, of Long Island City, is Juror Larsen's regular physician. Mr. Larsen sent for him as soon as he felt that he was seriously ill. Dr. Burnett made the following statement yesterday about his patient: "Mr. Larsen has acute appendicitis. He has been ill for a day or two, and he is now in a very dangerous condition. About a year ago I was called to treat him for catarrhal appendicitis, which is a simple inflammation of the vermiform appendix. On that occasion I did not have much difficulty in bringing him around, although he suffered great pain. He was well in a day or two, and he has never suffered from this complaint since. He is apt to have a recurring attack, and this is likely to be a dangerous one. The operation for appendicitis is dangerous, and many persons die from the shock. I cannot predict what will be the outcome of Juror Larsen's case. Appendicitis is an internal inflammation of the vermiform appendix, which is one of the useless parts of the human body. Anthropologists regard the little pendant intestine as a result of the process of evolution. In past ages it performed some useful function, but a source of great danger to humankind. Sediment taken into the body with the food finds its way into the almost closed neck of the sack, which is from three to four inches long. As soon as inflammation sets in the violent pain is most excruciating. In a mild attack the foreign substance can be ejected without an operation, but more often the knife is the only relief. If the operation takes place before the appendix is perforated by the progress of the disease, and if the patient is young enough to withstand the nervous shock, recovery is likely. It is only within recent years that the operation has been known.

Had the operation been deferred a few hours longer there would have been very little hope for Juror Larsen's life. As it is, there is grave danger of blood poisoning. Owing to the absence of Mrs. Larsen the operation was delayed some hours beyond the time set for it. She has been telegraphed for, but was away from home. Finally Larsen was told that further delay might be fatal, and he urged the operation. At midnight the juror was resting easily and seemed much better. Dr. Burnett and the nurses stayed with the patient all night. The jurors passed a rather miserable day, but by a morning paper that two of the attendants and by taking occasional walks, accompanied by the officers, Captain Methven was angry at the patient's delay. He was allowed to go home, and that they remained there all night in violation of Judge Smith's orders. "That statement is false," said the captain. "By the special permission of Judge Smith two of the jurors, each accompanied by a morning paper that two of the attendants, were allowed to go to their homes in order to obtain clean clothing. These men were taken from their homes without a moment's warning. They were allowed to go to their homes for four days. Each was absent from the hotel for less than an hour and passed the night there."

Jurors were informed last night that they had probably eaten their last dinner at the Garden City Hotel. It was noticeable that those who had been loudest in their objections to the restrictions of jury service were the least joyous at the receipt of the information. The jury has been taken to a royal guest house, the big hotel and is rather sorry to give up its holiday so soon.

Howe Silent on Some Points. Lawyer Howe does not state what Thorn will testify in reference to the preliminary part he took in the conspiracy. He does not say what Thorn will testify in regard to his alleged going to Woodside, hiring the cottage and paying \$15 for a month's rent. The attorney gives no intimation of what will be the nature of Thorn's testimony as to his knowledge for many days that the crime was hatching. Thorn will contradict Mrs. Nack in every

THORN AN ACCESSORY AFTER THE FACT, ONLY.

He Will Swear That Mrs. Nack Did the Shooting.

Admits Part in the Crime Only After Gulden-suppe Was Dead. THEN HELPED MRS. NACK

He Arrives in a Genial Mood.



A Conference with His Partner.



Be Careful, Woman! Lawyer Howe in Varying Moods.



Thorn's statement, on the authority of his counsel, Lawyer Howe, will deny any complicity, either in the plot to kill or in the killing of William Gulden-suppe. His testimony will amount to a confession of being accessory after the fact.

Lawyer Howe does not call it a confession. He said yesterday to the Journal: "Thorn will take the stand as soon as the new trial begins. He has never made a confession. He has no confession to make. He has simply the truth to tell, and he will tell it."

"Like the chivalrous fellow he was, he tried to conceal the crime Mrs. Nack committed. He will tell to-morrow that when he got to the house Mrs. Nack was there and she said to him: 'Well, I have done it.' She meant that she had killed Gulden-suppe."

"It is perfectly true that after Gulden-suppe was killed he and Mrs. Nack together helped to dispose of the remains; but Thorn never has admitted, never suggested, never stated to any one that he was in the original plan to kill Gulden-suppe, but that, on the contrary, it was entirely the work, plan, project and carrying out of Mrs. Nack."

Thorn will say that the murder was suggested by Mrs. Nack. He will say that it was she who continually urged it; that she professed to be tired of Gulden-suppe, whom she did not love; that she wished to get rid of him and live with Thorn; that she took Thorn finally to the Woodside cottage and with her own hand slew the bath rubber.

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point of her confession up to the moment after the crime was committed. Then Thorn's confession will be almost identical with that of Mrs. Nack. Thorn will deny that Mrs. Nack did the shooting. He will deny that she sought to revenge herself on account of the whipping he is said to have received at the hands of Gulden-suppe. He will deny that Mrs. Nack, under threats, gave him \$50. He will deny that he told Mrs. Nack he must have the head of Gulden-suppe, that he would kill him and put his body in a trunk and make away with it. "These statements," said Lawyer Howe, "are a pack of lies, put into the mouth of Mrs. Nack for the purpose of saving her life." Thorn will say that Mrs. Nack led when she said: "Don't kill him; kill me." He will testify that Mrs. Nack perjured herself when she declared on the stand she said to Thorn: "No, I do not want you to kill Gulden-suppe. I shall not go to the Woodside cottage with you." Thorn will testify that it was not fear of him that took Mrs. Nack to the Woodside cottage, either to look it over or to rent it. He will say that day after day Mrs. Nack urged him to kill his rival, fondling him and whispering to him: "I love you, Martin. Get him out of the way. Then we shall be happy always." Yielded from Love. The defendant's statement will declare that he finally yielded to the siren's voice; that he loved her; that he saw she was determined to kill Gulden-suppe, but that even when he went to the Woodside cottage on the fatal day he did not dream that the woman had already carried out her expressed purpose. "I was not in the house," says Thorn, "I saw, however, Mrs. Nack and Gulden-suppe alight from the car. I heard them go up the stairs, open the door and enter the place. "That pistol which was shown to Mrs. Nack in court is her pistol—the pistol she bought with which to do the murder. She

suppe's clothes and burned them up in her house.

Mrs. Nack confessed that she had met Thorn on the next day—June 23. She said that Thorn had disposed of one of the remaining three parcels during the night, and that there were only two left. She said Thorn took away the breast part and dropped it in the East River, near Twenty-third street. The same day she and Thorn had taken the remaining part away and lost it in the woods near the corner of Underhill avenue and One Hundred and Seventy-sixth street.

She said that she and Thorn had gone back to Woodside in the surrey, taken the remaining part and carried it beyond Highbridge to Underhill avenue and One Hundred and Seventy-sixth street and deposited it in the woods.

Thorn will also confess to having helped clean up the blood spots with ammonia. What else may be elicited from Thorn remains for the cross-examination of the prosecution to develop.

THORN'S HANDS ARE COLD AND CLAMMY.

His Lawyer, Mr. Howe, Says This Proves That the Prisoner Has a Warm Heart.

"Did you ever have the pleasure of shaking hands with my client, Mr. Thorn?" asked Lawyer Howe of a reporter for the Journal yesterday. "No? Then I should like to give you that honor. His hands are cold and clammy. They are like the hands of a corpse. I never met a man with such hands. They are like ice."

"Ah," said the lawyer, when those who heard him smiled, "that is a good indication. A warm hand means a cold heart, and vice versa. Thorn must have a warm heart, and I believe he has."

Lawyer Howe allows himself to experience the chill of Thorn's hands quite often. Every morning the bluff, broad-shouldered lawyer, as soon as Thorn is brought into the court room, extends his own big, ruddy paw, which Thorn never fails to seize and cling to fervently.

Calm, impassive, Thorn shows no emotions save in these remarkable hands. They are not large, and his reaction has never calmed them. They have done little manual labor beyond stropping razors and lifting and carrying away parts of human bodies. On the other hand, they have been much in water and witch hazel and bay rum and other tonorial ointments. The palms are white and soft. And as Lawyer Howe declares: "They are cold as a corpse's."

The palmists do not tell what temperature in the hand indicates. Perhaps Thorn's hands were not always so cold that they chilled the blood of those who held them. Yet it is mere speculation to suggest that they have never altogether recovered their normal warmth since he clutched in his fingers the senseless and frigid pieces of the body of William Gulden-suppe.

You Have Got It to sell but you don't know how to do it. Did you ever stop to consider the influence of a Journal "want?" It will sell anything with value.

THORN'S LOVE FOR A DOG, "BILL BAKER."

The Animal Is His Cell Mate and the Prisoner Cares for Him Tenderly.

The tenderness which Martin Thorn, murderer, displays toward a mongrel dog has proven a source of surprise and interesting speculation to the jailers and attendants in the Queens County Jail. To them the man appears a curious contradiction, a remarkable psychological study.

Thorn's dog is his only cell mate. The animal was captured in a raid upon a gambling dive a few weeks ago and carried to the jail with the prisoners and caged in the cell with Thorn. He was noticed wandering aimlessly about the place until Thorn saw him and begged for him. The dog is small, a cross between a fox terrier and a bulldog, brindle in color, with a white ring around the neck and a collar of common sense, that is, it is a dog.

He shows, in his questions to witnesses, a keen insight of human nature and a facility for dealing rightly with others that is rare. All of the members of the bar who have made his acquaintance hold him in high respect, and they recognize the fact that he will not stand any play or boldness, and their decorum where he presides is in marked contrast to that which obtains in the presence of most of the prisoners.

Judge Smith is a hard student, and his knowledge of law is especially thorough. His home life is particularly quiet and happy, and among his pleasures he is valued for his sterling character and gracious personality.

HOWE'S WRATH AT FRIEND GROWS.

It Increases with the Latter's Statement That Thorn Himself Would Have Confessed.

Lawyer Friend seems hourly to add to the fires of Lawyer Howe's wrath. Lawyer Friend made a statement in which he sought to justify his action in advising Mrs. Nack to make a full confession. Lawyer Friend said that it was a race—a race between Thorn and Mrs. Nack for the goal of confession. He said that Mrs. Nack, in his opinion, won out by a neck only.

This caused a fresh ebullition of anger from Lawyer Howe. He spoke thus of Lawyer Friend: "This is a lie. I want to say it for publication. It is a lie. I desire to call the Court's attention to this statement of Friend's, but I did not have the opportunity this morning on account of the unexpected adjournment."

Lawyer Friend evidently spends much of his time on the race track. And he injected his track similes into this solemn affair—a trial of life or death. What he said was indelicately irrelevant. He said it was a "sprint" between Mrs. Nack and Thorn. Think of it!

Yesterday a Stormy Day, when elements discouraged advertisers, the Journal gained 539 "wants" over corresponding day last year. That means business.

MORBID CROWDS BESIEGE THE JAIL.

Not Even the Rain Could Drive Them Away—Anna Held Visits Thorn.

The adjournment of Thorn's trial did not keep the throng away from the Queens County Courthouse yesterday. The jail in which Thorn and Mrs. Nack are confined is a part of the same building, and if morbid curiosity could not be satisfied with details of the evidence it could find gratification in listening to meagre reports of the doings of the two within their cells.

Men, women and children besiege the place, and not even the rain in the afternoon drove them to their homes. Many looked into the empty courtroom to pick up scraps of paper or some other souvenir of the trial. Quite a stir was created early in the morning by the rumor that Thorn had attempted suicide. It was started by the receipt by the jail force of a message from Sheriff Cook's house in Great Neck, that "Search Thorn at once. Poison said to be in his possession."

Night jailer Leonard, who was in charge at the time, said that he had hurried to Thorn's cell. He was fully dressed and lying on his cot, fondling his brindle dog. When they told him why they came he replied: "You needn't think I'm going to kill myself at this stage of the game. You ought to know me better than that. It was notwithstanding his protestations, he was made to undress and a rigid search, lasting for an hour and a half, was made of his cell and his clothing. Nothing in the way of poison on any implement of suicide was discovered. As the jailers left Thorn fired a parting shot at them: "Do I worry old men?" he said. "This case isn't finished yet."

Howe & Hummel, and talked with the notorious prisoner.

Miss Held visited the office of Howe & Hummel yesterday for the purpose of consulting with her lawyer, Mr. Abe Hummel, who represents her in her present difficulties with Oscar Hammerstedt.

"How I should like to see this man Thorn," said Anna Held, when the conversation turned upon the sensational trial. "You may," said Mr. Hummel.

The arrival of the pretty Frenchwoman created a sensation in the vicinity of the jail. She stepped out of a shining coupe and was helped down to the ground by Mr. Moss. The two went quickly around to the door of the jail and were followed by a hundred curious eyes.

The visitors were admitted to the door of Thorn's cell and stood there for a moment talking with the warden.

Miss Held afterward said to the Journal: "I think Mr. Thorn looks like a very nice man; nor at all like a 'cleeked' man. He looks like a man who could make love."

"He told me that he was not at all to blame. He said it was Mrs. Nack. He said it was Mrs. Nack that killed Gulden-suppe and cut him into little pieces. I am so sorry that the juror was ill. Mr. Thorn told me he was anxious to have his turn and to get out of the jail. I just got a glance at Mrs. Nack. I do not like her. She is too large, too coarse, too much like a man. I do not know why a man twenty-seven years old should love a woman thirty-eight years old. I think it very mean of Mrs. Nack to betray her lover."

Think of 34,577 "Wants" gain last month over corresponding month last year. Almost 250 columns, or 36 pages, increase in one year. What's doing it—Yes, results.

JUDGE SMITH IS A RECORD-BREAKER.

In No Other Murder Trial Has Such a Good Record Been Made.

Had it not been for the sudden collapse of the Thorn trial, on account of the illness of Juror Larsen, it is probable that it would have been ended within a week. This would have established a new record in great criminal cases, and marked Judge Willmot M. Smith as the most effective judge in the history of such trials.

This jurist, as the Journal has already pointed out, is a legal hustler. He believes that the first duty of a judge is to conduct his court in a business-like manner, allowing ample time to secure the ends of justice, but stopping any waste of the people's money through unwarranted technical quibbling of lawyers' lawyer.

Before this trial began Thorn's lawyer, Mr. Howe, whose experience in cases of much importance has covered many years, gave it as his opinion that it would require from four to six weeks to complete it. The general belief was that it would occupy fully that much time. None expected a jury under three or four days. And yet, under Judge Smith's active and decisive supervision, a jury was secured on the first day. He promptly and vigorously interrupted and put a stop to all irrelevant questions, and rushed the attorneys along at a rapid rate. In three days the trial was more than half completed, and six full working days would undoubtedly have given the case to the jury.

This is not a new departure for Judge Smith, although his ability and his admirable methods have never been completely appreciated before by so wide a circle of cases. His record, however, is a continuation of just such excellent management of the courts in which he has presided.

Justice Smith was born in Suffolk County, Long Island, near the pretty village of Patchogue, where he still lives, in 1852. After a common school education, received near his home, he entered Cornell University in 1870 at the age of seventeen, and was graduated in 1875. He pursued his study of law in his home county for two years, and in 1876 entered the practice. So distinctive a success did he score that in 1881 he was elected District-Attorney of Queens County. In 1887 he was re-elected, and two years later was elevated by popular vote to the County Judgeship. His record as County Judge developed so definite an executive capacity and demonstrated his judicial mind so favorably as to secure for him in 1895 a place on the Supreme bench. His term ends with the present year.

Justice Smith, while democratic to a marked degree and a Judge of pronounced popularity, preserves a dignity of manner that brooks no liberties on the part of lawyers, witnesses, prisoners and courtiers of common sense, that is truly refreshing. He shows, in his questions to witnesses, a keen insight of human nature and a facility for dealing rightly with others that is rare.

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Constipation

Causes fully half the sickness in the world. It retains the digested food too long in the bowels, and produces biliousness, torpid liver, indigestion, bad taste, coated tongue, etc.

Hood's Pills cure constipation and all its results, easily and thoroughly. All druggists sell them, or they can be sent to you. Hood's Pills, Mass. The only Pills to take with Hood's Sarsaparilla.