

MURDER CHARGE

Sought For Connors' Alleged Slayers by Commonwealth.

OCTOBER GRAND JURY TO BE ASKED SO TO INDICT THEM.

MANSLAUGHTER NOT SUFFICIENT TO COVER SITUATION. IN THE COURTS YESTERDAY.

To the October grand jury the Commonwealth's Attorney, Joseph M. Huffaker, will resubmit the cases of Archie Hand, John Augustus, Eugene Augustus and Thomas Maloney, who are charged with the killing of County Patrolman Connors. Mr. Huffaker will ask of that body an indictment for murder. This is an unusual procedure, but comes within the powers of the Commonwealth's Attorney given him by the law. In explaining his action Mr. Huffaker said:

"Patrolman Connors was done to death in the performance of his duty. I believe the men who killed him should be charged with murder. The grand jury thought manslaughter was severe enough. Acting with the authority given me by the law I dismissed the indictment and will resubmit the case to the next grand jury."

The indictment in which Hand, the Augustus brothers and Maloney were charged with voluntary manslaughter was returned by the grand jury Wednesday. The four men are accused of slaying County Patrolman Connors Saturday night, May 22, at the forks of the Shelby and Preston-street roads, following a fight in a beer garden, and which Connors tried to quell.

The case is a peculiar one in the way that the law must look at it. According to the evidence at the examining trials Connors received blows on the head, at the hands of the Augustus brothers and Maloney, which would have resulted in his death had not that been caused sooner by the bullet Hand is said to have fired. Hand, apparently and according to the way the grand jury probably considered the case, sought to avoid bloodshed by wrestling the officer's revolver from his hand and became suddenly angered when Connors, fighting desperately, struck him in the face with his blackjack, thinking, likely, that Hand was another of the assailants.

The indictment in which the Augustus brothers and Maloney are charged with malicious assault stands. John Augustus gave bond of \$500 to secure his release on this charge, his former bond of \$5,000 holding in the manslaughter or murder charge. Motion for a reduction of the amount of bond later will be asked of the court as to the other men. By habeas corpus proceedings Hand, Eugene Augustus and Thomas Maloney also will seek their liberty pending the trial of their cases. The next grand jury to be impaneled will be the October grand jury, the summer recess beginning at the end of this month.

\$8,000 For Child's Death.

At the end of three days in which the suit was on trial in Judge Gorkin's court the jury which heard the testimony in the case of George Kimbel against the Louisville and Nashville Railroad Company awarded damages in the sum of \$8,000 to the plaintiff for the death of his 9-year-old daughter, Mabel Kimbel. The little girl was struck down by the fast train of the company coming to Louisville from Cincinnati on July 28 last at Chenoweth Crossing, near St. Matthews.

There were a large number of witnesses heard in the case, which is the reason it required so long to try. The proof showed that the child was crossing the four tracks at the point in question, the double track there and two switches, and that the train came around the curve a short distance away and struck her before she could get off the tracks. It was charged by the plaintiff that the train then was going at the rate of fifty-four miles an hour and that the engineer neither blew his whistle nor rang his bell.

Eye witnesses testified that the child was about the middle of the crossing when the train rounded the curve; that she would have been safe had she remained still but that she seemed to become bewildered and ran directly toward the track on which the train was approaching, having the switch track and that to cross before reaching safety. At that she almost got out of the way, the forward part of the engine striking her just as she ran across the last rail of the track. She was thrown some distance and was dead when witnesses reached her side.

The defense asserted contributory negligence on the part of the little girl, arguing that the speed at which the train was moving was of no consequence, and contending that every precaution required by the law was observed by the company. The plaintiff's father qualified after the child's death and sued as her administrator, asking for \$20,000 as damages.

Charges Company With Fraud.

Alleging that the Muldoon Monument Company effected a reorganization on January 28, 1893, for the sole purpose of defrauding the estate of Robert E. Lavelly out of \$1,000 in stock of the company, Mrs. Cecelia Belle Lavelly, widow and executrix of the will of Robert E. Lavelly, filed suit yesterday against the company named, asking for the dividends on the holdings in question, and that the defendant be required to reissue \$1,000 in stock to the estate. The plaintiff sets forth that Mr. Lavelly died on April 21, 1893, leaving his whole estate to her for life. The defendant company originally was M. Muldoon & Co., she says, and her husband was a member of the firm.

On July 1, 1891, the company was reorganized as the Muldoon Monument Company, Mr. Lavelly being one of the incorporators with a holding of ten shares and being secretary. The capital then was \$200,000, and she says was reduced to \$50,000 by the second reorganization in 1893. She has demanded an accounting of the defendant, she says, but has been refused any satisfaction, and now asks for the accumulated dividends, with interest from April 21, 1893.

Mrs. Colvin Given Damages.

A jury in Judge Field's court yesterday afternoon gave \$2,000 as damages to Mrs. Era B. Colvin, who had sued the Louisville Railway Company for \$20,000 for injuries she received when she says she was thrown from a car she attempted to board at Fourth avenue and Market street. The accident happened, she said, on January 6, 1908, and she suffered severe internal injuries because of her heavy fall to the pavement.

Report of the Grand Jury.

The following indictments were returned yesterday by the grand jury, which adjourned until to-morrow:

- Housebreaking—William Moore. Grand larceny—Emile Consorti. Assault and battery—Amos McIntyre.

Court Paragraphs.

—The Johnson County Savings Bank sued Mrs. G. W. Bender for \$100, alleged due on four bills of exchange.

—George Watkins sued Amanda Watkins for divorce, alleging five years' separation. They were married in Louisville in 1894.

—Catherine Ellerkamp and others sued Anna Holtover, asking for the sale of certain described real estate and a division of the proceeds.

—Lula Redmon sued Harcourt & Co. for \$10,000 as damages for injuries she received while in the employe of the defendant company as an operator of a power press.

—In the case of James Pitts against the Louisville Railway Company, a jury for \$1,500 as damages for alleged forcible ejection from a car because the conductor would not accept the fare offered.

A jury in Judge O'Doherty's court found for the defendant.

—By his will, dated January 12, 1907, and probated in the County Court, Thomas A. Knox, formerly of Carrollton, then a resident of Louisville, left his estate to his four brothers and to the children of his dead sister, naming George Gutig as executor without bond.

—Judge Field overruled a motion to grant a mandamus against Magistrate Edward D. O'Connor, which was sought by Robert A. Frank Stachmeyer. The magistrate had granted the writ of ejectment from Grand-avenue property and refused to accept bond offered by the defendants, by which they sought to obtain a stay of execution. This bond Magistrate O'Connor refused to accept because he did not consider it sufficient. The cause

of the action against the Stachmeyer brothers was nonpayment of rent.

Court of Appeals.

Frankfort, Ky., June 10.—Whole court sitting, except Judges Parker and O'Rear.

McKinney's heirs, and etc., vs. Central Kentucky Natural Gas Company, etc., and Perry, etc., vs. same, and Becraft, etc., vs. same, Menifee; affirmed.

Warren, etc., vs. Turman, Boyd; affirmed.

Georgia Home Ins. Co. vs. Mayfield Planing Mills, Graves; affirmed.

Hanover Fire Ins. Co. of City of New York vs. Mayfield Planing Mill, Graves; affirmed.

Bowling vs. Breathitt Coal, Iron and Lumber Co., Knott; affirmed.

Merchand vs. Cumberland T. I. and T. I. Co., Jefferson; affirmed.

Rees vs. Kranth, Mayor, etc., Henry; affirmed.

Ellerman, etc., vs. Farmer, Campbell; L. and N. R. R. Co. vs. Helburne, Spencer; Adams, etc., vs. Mineral Development Co., Letcher; appellant's petitions for rehearing overruled.

C. and O. R. R. Co. vs. Mayville Brick Co., Mason; appellee's petition for rehearing overruled.

Conway, by etc., vs. L. and N. R. R. Co., Franklin; appellant filed petition for rehearing.

Weissinger Tobacco Co. vs. Van Buren, Jefferson; appellant filed motion for ten days' extension of time to file printed brief; motion submitted.

Morgan vs. City of Frankfort, Franklin; submitted.

Hamilton vs. Steele, and Crouch vs. same, Laurel; argued by J. Smith days 10.

pellice, and T. Z. Morrow for appellant's petition for rehearing.

Ordered that court adjourn until to-morrow morning at 11 o'clock.

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