

# HEART ARRAIGNED ON MURDER CHARGE.

**T**HE preliminary examination of J. W. Heart, charged with the murder of Thomas Kearns, will be conducted by Justice Chambers July 15. Heart was arraigned in the Police Court yesterday afternoon immediately after a complaint had been sworn to by Detective Harvey Davis and the date of his examination was fixed after a consultation between court and attorneys.

When brought into court, Heart appeared absolutely dejected. He covered his face with a handkerchief and sat in the prisoners' dock entirely alone, awaiting the arrival of his attorney, Earl Rogers.

The news that the Coroner's jury had returned a verdict of murder against him, seemed to completely

Henry Kearns, the 10-year-old son of the dead man, was the only eye witness of the killing, and he repeated practically the same story that he told on the night of the shooting. Young Kearns said that he was with his father on Saturday night when Heart came up and demanded the payment of 50 cents in addition to the bill already paid. The youth said that his father was tying a bundle when Heart locked the rear door to the kitchen and demanded the 50 cents. A scuffle ensued, during which Kearns struck Heart on the shoulder and pushed him back, and then he saw the report of a pistol. It was all done so quickly that the boy did not see the revolver.

L. C. Brightwell, Lewis Mills, Charles Roy, Detectives Davis, Ritch and Quinn, together with officer



J. W. Heart, the Slayer of Thomas Kearns.

unnerve the man, and while the complaint was being read by the court, Heart stood by the witness chair with downcast eyes and an attitude of utter dejection. He neither demurred nor assented, while a discussion was in progress regarding the date of his preliminary examination, appearing to take no interest whatever in the arrangement.

## THE INQUEST.

William Kearns, a son of the dead man, had visited the morgue the previous afternoon and had sworn that he would kill the slayer of his father on sight, and in order to prevent a scene during the inquest, young Kearns was excluded from the room until he was called as a witness. Heart was taken to Bresee Bros. morgue in charge of detectives, but he was removed to another part of the building at the suggestion of his attorney, and he was not called upon to testify. Mrs. Kearns, the widow of the dead man, was present, but she was so overcome by her emotions that she was compelled to leave the place. She was not called upon to testify.

Parker and Dr. H. S. Sorme, were called as witnesses, but none of them had seen the shot fired. The gist of their testimony went to show that Kearns did not speak of the shooting before he died, although he did refer to his family and seemed pleased to know that they would be cared for.

William Kearns, the son who had vowed vengeance, on the slayer of his father, only testified to the age and birth-place of his parent. He appeared to be suffering from too much drink.

After a short deliberation, the jury returned a verdict as follows:

"We the jury find that Thomas Kearns came to his death on the second day of July, through a gunshot wound inflicted by J. W. Heart, the same being inflicted with intent to kill and murder."

No effort was made at the inquest to show that Kearns had attacked Heart with a knife prior to the shooting. The evidence of the detectives who searched the dead man, went to show that they found two pen-knives in Kearns's pockets, but both of them were closed.