A BOMB FOR CLARK.

The Corporation Counsel Scored by Lawyer Dease.

The Former Advised Fitch to Pay for Dailey's Illegal Contract.

Commissioner Andrews Pleaded that City Needs Demanded It.

William H. Clark, counsel for the corporation of New York, received a letter this morning which startled him.

It all came about through the recent scandals in the Street-Cleaning Department, which have been so thoroughly exposed by "The Evening World."

The letter concerns the now notorious and fraudulent private contract made by William S. Andrews, Commissioner of Street Cleaning, with John D. Dailey, a contractor, for unloading garbage scows at a most extravagant rate of payment.

Ten days ago Capt. James Keyes, of 285 Avenue C, through his attorney, Geo. W. Dease, filed an injunction proceeding in the Supreme Court, enjoining Comptroller Fitch from paying any money to Dailey under his contract, on the ground that the private agreement between Andrews and Dailey was illegal and fraudulent.

The matter was submitted to Corporation Counsel Clark by the Mayor and Comptroller for his legal opinion, and Mr. Clark, after reading up the law on the subject, declared that the Andrews-Dailey contract was illegal, and so reported to the Mayor and Comptroller. This step was taken to avoid the complete ventilation of the affair in the courts.

Then the question arose as to whether Dailey should be paid the sum of $20,000 or more, for work already performed under the contract. Upon this point Counsellor Clark, on Saturday last, sent the following letter to Comptroller Fitch:

Law Department.
Office of the Counsel to the Corporation.
NEW YORK, Jan. 27, 1894.

Hon. Ashbel P. Fitch, Comptroller.

Sir: I have received your letter of the 23d inst. inclosing copies of agreements made by John J. Dailey for towing and unloading scows of the Street-Cleaning Department, and with the Heisenhausen Brothers for towing, and inquiring whether the Commissioner of Street-Cleaning has legal authority to carry on the work of final disposition upon the basis of such agreements without the approval of the Board of Estimate and Apportionment.

Since the receipt of your letter of the 23d inst. I have transmitted to you an opinion upon the validity of what imported to be a contract between the Commissioner of Street-Cleaning and John D. Dailey for the removal and what is termed final disposition of ashes, garbage, &c.

I have also had an interview with the Mayor, at which interview the Mayor informed me that he had been advised by Commissioner Andrews that unless these bills under discussion are paid the entire work of his Department will be at a standstill.

At the present season of the year, with a heavy fall of snow upon the ground, the stoppage of the work of the Street-Cleaning Department would be almost a public calamity.

It is my judgment that under all the circumstances, and considering the emergency that now confronts us, you will be justified in paying the bills before you and such other bills as may be contracted between the present time and such period in the future as will enable the Commissioner of Street-Cleaning to advertise and let a contract for final disposition, in accordance with the interpretation of section 709 of the Consolidation act, to which reference is made in my communication of yesterday. I remain, yours respectfully,

WILLIAM H. CLARK,
Counsel to the Corporation.

The contents of this letter, which is to-day made public for the first time, is both startling and sensational, and will interest every taxpayer in New York.

Commissioner W. S. Andrews, after having illegally entered into a private contract with Dailey, whereby the city was to be mulcted out of thousands of dollars, comes forward in the most bulldozing and threatening attitude.

Andrews does not suggest or ask that Dailey's bills be paid, but absolutely threatens the city with "a public calamity" if Dailey does not get his $20,000 or $30,000 for work already performed. In other words, Andrews threatens to bring the work of the Street-Cleaning Department to a standstill if Dailey is not paid. This threatening attitude, it appears, misled and needlessly alarmed Counsellor Clark. Whereupon the Corporation Counsel timidly coincides with Andrews.

In the course the Clark letter of advice to Comptroller Fitch was forwarded out of legal courtesy and precedent, to Attorney George W. Dease, counsel for Capt. James Keyes, who brings the injunction against Andrews and the other city officials.

Attorney Dease, who received the Corporation Counsel's letter of advice on Tuesday, was thrown into a paroxysm of indignation at the threatening attitude assumed by Commissioner Andrews. More law was looked up upon the subject in question, and later Atney Dease held a long conference with his client, James Keyes.

The result was that late last evening Attorney Dease sent to Corporation Counsel Clark the following pointed and spicy communication, which was received and read this morning by Mr. Clark's secretary and then by himself:

George W. Dease,
Attorney and Counsellor at Law,
61 to 65 Park Row,
New York, Jan. 31, 1894.

William H. Clark, Counsel to the Corporation.

Dear Sir: I am in receipt of your communication of Jan. 27, transmitted by you to Hon. Ashbel P. Fitch, conceding to the payment of the claims of John D. Dailey under his contract with Mr. Andrews as Commissioner of the Department of Street-Cleaning, wherein you stated as your judgment that under the circumstances and considering the emergency, you would be justified in paying the bills now contracted or such as may be contracted hereafter until the Commissioner of Street-Cleaning can advertise and let the contract for final disposition in accordance with section 709 of the New York City Consolidation act.

I must define my position and draw the line sharply and clearly. The provisions of section 709, of the New York City Consolidation act, give no warrant whatever for the contraction of the debt of John D. Dailey against the city, and the manner of its contraction is entirely in defiance and repugnance to said act. No bill of emergency can be reached, because the law has made a provision definite and certain, leaving no discretion.

If the Comptroller of the City of New York acts upon your advice, or the payment is made to Dailey, my client and others will still resort to the courts.

Do you desire to put yourself on record as saying that bills amounting to twenty or thirty thousand dollars, contracted by the Street-Cleaning Department in defiance of fixed laws, when it is intimated that it is pure jobbery, shall be paid upon the pretext of emergency? And would you approve and sanction the payment of a bill because some head of the Department thought there was an emergency for the erection of some public building, and made contract, and yet there was specific law so that such acts could not be done without certain legal formalities?

If this contract is properly made it should be sanctioned, and you have not done so, for the reason that there was no compliance with the all-governing rules of law, and if not so compiled, then certainly it was null and void, ab initio; if void then no part thereof should be paid.

While I do not desire to deprive any person of payment for services rendered, still I insist that some special provision must be made by some of the departments of this city to cover this contracting payment, as the law does not.

If Mr. Dailey or Mr. Andrews desires to go into conspiracy, not only against the law governing the city, but against the best interests of this community, they should suffer the consequences, and I see no reason why you should strain a point to help them out.

I can only say that whether the Comptroller acts under your advice or not, I will still insist before the courts that payment is unlawful, as the contract was made without foundation and in derogation of the rights of my client and other taxpayers of this community. Yours truly,

GEORGE W. DEASE,
Attorney for James Keyes.

It is no small wonder that Counsellor Clark was alarmed when he read this letter. While he is not directly charged with protecting and assisting the Andrews-Dailey combination, the inference is plainly made.

The public will anxiously await the next movement in this scheme of Mr. Andrews to pay Mr. Dailey $20,000 or $30,000.

Meanwhile, Commissioner Andrews appears to be in no haste to advertise for bids for removing garbage, and Dailey continues to do the work at the most extravagant figures.

READY TO SLUG MITCHELL.

A Broadway Gripman Warned as He Was About to Strike.

The Row Resulted in Pony Moore Being Held for Trial.

George Washington Moore, commonly known as "Pony" Moore, father-in-law of Charley Mitchell, the English fighter, whom Corbett so soundly trounced in Florida, was a prisoner in the Tombs Court this forenoon on a charge of assaulting Jacob Cohen, a Broadway cable car conductor, last night.

After hearing both sides of the case, Justice Taintor held Moore in $200 for trial, and paroled him in the custody of his attorney, Daniel O'Reilly. Moore was accompanied to court by Mitchell, Dr. John A. Dougherty, of Philadelphia, who has a penchant for the society of pugilists, and Lawyer O'Reilly, all of whom were fellow passengers of Moore in the car when the fracas occurred.

The party, with a horde of admirers, bustled into the court-room and filled all the chairs in the private room back of the bench. This was annoying to Justice Taintor, and he ordered the officers to clear the room and force the prisoner and his friends to take seats just like ordinary people in the big court-room.

Conductor Cohen swore that Moore, with three or four friends, boarded his car at Thirty-ninth street about 8.30 o'clock last night. The prisoner was under the influence of liquor, he said, and was so boisterous in his language as to greatly annoy the other passengers in the car. He said he ordered Moore to quit his loud talking, and that "Pony" replied with picturesque profanity.

Mitchell and the rest of the party were orderly, and the English pugilist requested that the car be stopped in front of the Metropolitan Hotel. As Moore reached the rear platform to leave the car he hit Cohen, so the latter testified, on the nose. Then Cohen grabbed an iron wrench, used for throwing off the grip. At this point Mitchell and his friends interfered and stopped the row.

The conductor left the car and met Policeman Sweeney, of the Mulberry street station, who placed Moore under arrest, and took him to the station-house. The entire party followed, and Lawyer O'Reilly engaged in a wordy battle with Sergt. Woodruff, who refused to allow the counsellor to appear for Moore.

School Commissioner Joseph Dunn, of 56 Spring stret, bailed Moore out. At the Tombs Moore gave his age as sixty-seven years, and said he was born in Mulberry street. He added that he is a minstrel, and a resident of London, where he has been engaged in business in one spot for thirty-five years.

"Pony's" thirty-five years spent in England had developed a thorough cockney accent, which would warm the hearts of the most ambitious anglo-maniacs on this side. He was not requested to testify, and Charley, his son-in-law, told the story.

"Mr. Moore and the conductor got into an altercation," he said, "and the carman told 'Pony' to hush his noise. He answered back, and they had more words. When we came to get out I saw the conductor lunge at Mr. Moore with his left, but I don't know whether it landed or not. I guess they both 'got there' at the same time. The conductor had an iron lever in his hand."

Lawyer O'Reilly requested to be sworn, and he added his version of the affair, which corroborated Mitchell's story, and he further added that Cohen hit Moore first, and the latter merely acted in self-defense. Although the preponderance of evidence was in favor of Moore, Justice Taintor decided to hold him.

An amusing feature of the row came out to-day. The gripman, seeing the predicament of Conductor Cohen, turned on his brake, stopping the car, and ran to the rear platform to Cohen's assistance. Seeing a big, brawny man clinching the conductor, the gripman grabbed the former and was about to obliterate him from the face of the earth. With his mighty grip-clutching right upraised to deal a knockout blow, the gripman heard a voice say:

"Hold on, yer chump! Don't hit that feller; that's Mitchell!"

The big right arm became palsied apparently, and fell nerveless to the gripman's side. He sprang from the rear platform and resumed his regular occupation of wrestling with the cable. After the escape, he considered himself the luckiest man in New York.

LAWYER M'MAHON ARRESTED

Violated a Court Rule, Got Angry, Apologized, Discharged.

Lawyer J. Grattan McMahon created a bit of excitement in Jefferson Market Court to-day.

The lawyer had a case and was allowed to pass inside the railing. When he found the case was adjourned he wanted to leave, and started to walk out.

Court Officer Woods asked for his name and business, as is customary. McMahon refused to tell either, and the court officer refused to let him pass. When Justice McMahon asked what the trouble was, Lawyer McMahon in a loud voice abused the officer, concluding with a general "roast" on police court procedure.

Justice McMahon ordered Sergt. Foody to arrest McMahon. Then the irate attorney was placed in the prisoner's pen. The delay in bringing up his case cooled him off, for he apologized when he came before the Justice. He finally identified himself and admitted that the court officer had acted properly. He was discharged.

McMahon gained a great deal of notoriety about two years ago by defending the Italians in New Orleans who were accused of waylaying and murdering Chief of Police Hennessey. He was a conspicuous figure in the turbulent scenes during and subsequent to the trial and was accused of being in a considerable manner responsible for the intensely public feeling which resulted in the execution of several of the accused by a mob.

Mr. McMahon was absent on that terrible occasion, and it was said at the time that if the mob had laid hands on him he would have been roughly handled.

TO PRESERVE RIVERSIDE PARK.

Bill to Acquire Water Front Land Not Now Owned By The City.

A draft of a bill relating to the preservation of Riverside Park has been submited to Corporation Counsel Clark for approval. The bill legalizes the agreement entered into between the Dock and Park Departments to reserve the river front up to the bulkhead line along Riverside Park for park purposes. Exception is made at Seventy-ninth and Ninety-sixth streets, where the docks may be used for commercial purposes.

The Corporation Counsel is empowered to acquire the water front lands not already owned by the city, so as to prevent the building of factories on the restricted lands. The bill will be sent to Albany with the approval of the city authorities.

DISORDERLY HOUSES RAIDED.

Three Keepers Held and Five Inmates Discharged.

Capt. Haughey, of the West Forty-seventh street station, and Detectives Michaels, Dale, McConnell and Delaney arraigned Alice Cohen, of 1069 Sixth avenue, Annie Brooks, of 215 West Forty-sixth street, and Annie Harris, of 130 West Fifty-third street, in the Yorkville Police Court this morning on the charge of keeping disorderly houses. They were held for trial in $500 each.

Five young, good-looking and well-dressed women, who were arrested in the raid as inmates of the houses, were lectured by Justice Voorhis and then discharged. The raid was made last night.

IS POWERS'S COMPANY BAD?

Rosenquest Won't Have "Walker London" at the Bijou.

Whereupon Manager Harley Seeks to Compel Him To.

Application was made to Justice Lawrence, in the Supreme Court, to-day by Counsel for John F. Harley, manager of Comedian James Powers, for an injunction restraining Manager Wesley Rosenquest, of the Bijou Theatre, from allowing any other company than Powers's "Walker London" Company to appear at the Bijou Theatre between Feb. 12 and March 10.

Manager Harley says he entered into a contract with Rosenquest last June to produce "Walker London," at the Bijou during the time mentioned, and that Rosenquest now refuses to carry out his contract.

In arguing the motion, a letter from Rosenquest to Harley was read. It said:

"The company is not first-class. This is not only my opinion, but that of many experts, and I will not allow the play to be produced unless you guarantee me from financial loss."

Lawyer Henry Thompson, counsel for Rosenquest, said that the contract stipulated that Mr. Powers should be supported by a first-class company, and that the company was not only not first-class, but very bad.

In support of his statement Lawyer Thompson produced a letter from Harley to Rosenquest, explaining why he had not returned $200 borrowed money. He said in it that from Richmond to New Orleans, the business was simply ghostly.

Affidavits from dramatic critics and theatrical managers were offered in evidence to prove that the company was bad.

Manager Harley's counsel offered affidavits from the different members of the company as to their ability and professional standing. Lawyer Thompson asked that the case be continued to give him a chance to make answer to the new affidavits.

Justice Lawrence continued the case for five days

No Beggars in the Tenderloin.

Capt. Schmittberger says he is determined to do away with the begging nuisance in the Tenderloin District. He arraigned seventeen healthy mendicants in Jefferson Market Court this morning, and most of them were given one month in prison.

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Trousers, Suits, Overcoats and Ulsters
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$3 SHOE GENUINE WELT.
Squeakless, Bottom Waterproof. Best Shoe sold at the price
$5, $4 and 3.50 Dress Shoe. Equal custom work, costing from $6 to 8.
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$2.50, and $2 Shoes. Unequalled at the price.
Boys' $2 & $1.75 School Shoes Are the Best for Service.
LADIES' $3, $2.50, $2, $1.75 Best Dongola, Stylish, Perfect Fitting and serviceable. Best in the world. All styles. Insist upon having W. L. Douglas Shoes. Name and price stamped on bottom. Brockton, Mass.
THIS IS THE BEST $3. SHOE IN THE WORLD
ALL THE LATEST STYLES.
Sold at 103, 229, 263, 367, 1056, 1569 1st ave.; 443, 787, 889, 1433, 1774, 1819 2d ave.; 82, 379 Bowery; 350, 518, 898, 1307, 1470, 2056, 2193, 2691, 3533 3d ave.; 1 Ave. A; 104 Ave. B; 2 Ave. C; 4 Ave. D; 104, 290, 415 E. Houston st.; 349, 532 Grand st.; 150 Canal st., cor Bowery; 513 Canal st.; 408 Broadway, cor. Canal st.; 1533 Broadway, cor. 45th st.; 371, 525 Hudson st.; 117, 325, 477, 627, 779, 877 8th ave.; 26, 161, 224, 373 Greenwich st.; 537, 705 9th ave.; 787 Columbus ave.; 362, 720, 558, 1061 10th ave.; 422 Amsterdam ave.; 119 Park Row; 77 E. Broadway; 206 Fulton st.; 162 South st.; 136 Liberty st.; 19 Liberty st., cor. William st.; 164 Carmine st.; 17 Wilks ave.; 653 E. 138th st. JERSEY CITY—46, 200, 634 Newark ave.; 42 Montgomery st.; 472 Grove st.

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COTS FOR 99 CENTS
Hair Mattresses, $2.99
CONTINUED 50 CENTS ON THE DOLLAR SALE OF D. SCHWARTZKOPF & CO.'S STOCK. GRAND CHANCE TO BUYERS TO GET GOOD THINGS FOR NEARLY NOTHING
Open Saturday evenings until 10 o'clock.

CLAIMS AGAINST THE CITY.

$5,000 Asked for a Death and $10,000 for a Fall.

Christian Reichert to-day filed a claim against the city with Comptroller Fitch for $5,000 damages for the death of his five-year-old child, Mary, who was run over at Forty-sixth street and First avenue March 24 last, by a cart belonging to the Street-Cleaning Department.

Bridget O'Brien, of One Hundred and Third street and Fifth avenue, fell on the icy sidewalk opposite 198 East One Hundred and Sixth street and sustained personal injuries for which she wants a $10,000 plaster from the city.

TAMMANY DISAPPOINTED.

Croker's Protest Against The Income Tax of No Avail.

Richard Croker's followers are greatly disappointed because the House of Representatives of the United States has ignored the New York boss's wishes, and passed the Wilson bill with the income tax provision tacked onto it.

There was talk that Tammany's position on the bill would be expressed at a public demonstration. Croker was not here to speak for himself, and no one else in authority would say anything for him.

"I have nothing to say on the subject," said Mayor Gilroy. "As far as I know, Tammany will not express an opinion on the passage of the measure one way or the other."

SENT TO WARD'S ISLAND.

But McAleer's Daughter Feared He Went to Charity Hospital.

Miss Annie McAleer, of 119 West Houston street, created considerable of a commotion among the officials in the Bureau of Contagious Diseases this morning by asking permission to visit her father, Patrick McAleer, who, she said, was removed Wednesday to the Charity Hospital on Blackwell's Island, which is under quarantine restrictions on account of an outbreak of small-pox.

The girl said Dr. Wallace, of Bellevue, had told her that her father was sent there Wednesday.

She had evidently misapprehended, for no patients have been sent there since the quarantine was declared. The records show that McAleer was sent to Ward's Island suffering from a sprained ankle.

FEB. 4 SUNDAY WORLD. FEB. 4

NEXT SUNDAY.

NELLIE BLY WATCHES FOR THE GHOST

She Spends a Night All Alone in that Haunted House Which Has Troubled the Good People of Woodport, N. J.

THE WORLD MARCH.
A Striking Melody, Composed and Dedicated to The World by Bandmaster Innes, of the Thirteenth Regiment Band.

HOW THEY WANT TO DIE.
A Very Extraordinary Collection of Curious Preferences as to the Most Agreeable Way to Meet Death.

CONVENT OF THE SACRED HEART.
In Many Respects the Most Notable Educational Institution of the Catholic Church in America.

DELURY ON THE GENTLEMANLY GIRL.
He discusses her whims and clothes and tells how much they cost her.

ROULETTE AT MONTE CARLO.
The Systems Which Are Played Day After Day as the Wheels Spin Round in the Great Casino.

A TRANS-CONTINENTAL BOULEVARD.
A Unique Scheme for a Magnificent Great Highway from New York to San Francisco.

DISINHERITANCE A CRIME.
McAllister Declares that Rich Men Have a Right to Cut Their Sons Off and Cast Them Out.

TRICKERY IN PIANO SALES.
Look Out for the Smooth-Spoken Man Who Wants to Sell You the Piano Whose Owner Has "Gone South."

THE WOMAN'S PAGE.

THE MEN'S TURN NOW.
All about a coming revolution in fashion for men which will greatly influence the fashions for women.

THAT COMPOSITE NOVEL.
Members of the Twelfth Night Club are writing it. The Woman's Page will contain the first authentic account of their progress.

PARISIAN THEATRE BODICES.
Redfern, of Paris, designs and describes one specially for the women readers of "The World."

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