HIS TUG WAS OVERLOADED.

Capt. Hyde, of the Ill-Fated Nicol, Admits This to the Inspectors.

THERE MAY BE INDICTMENTS

So Says Assistant U. S. District-Attorney Mott at the Official Inquiry.

NEARLY NINETY ON BOARD.

Gross if Not Criminal Carelessness Apparent from the Testimony of Witnesses.

An official investigation to ascertain the causes which led to the foundering of the tug James D. Nicol near Scotland Lightship Sunday was begun before United States Inspectors of Steam Vessels James Fairchild and Thomas H. Barrett in room 156 of the Federal Building at 10.30 o'clock this morning.

Assistant United States District-Attorney John O. Mott informed an "Evening World" reporter shortly before the inquiry began, that the owner and captain of the Nicol were in a delicate position, and might be held liable for manslaughter if the investigation established that the tug had been overloaded in violation of law.

"How many men did the Nicol have on board?" asked Mr. Mott.

"Between seventyfive and eighty, it is believed."

"How many was she licensed to carry?"

"Forty-five."

"If that is true I don't see why they are not responsible and should not be indicted. Their action, if complained of by the United States Inspector of Steam Vessels or any other person, would probably result in proceedings against them by the District-Attorney.

"I have not looked the matter up, and don't know whether it is a case for the State or Federal prosecuting officers. While the accident occurred on the high seas, which would make it a United States offense, yet the overloading took place at the wharf, which might give the State jurisdiction."

The Federal authorities will probably await the result of the inspectors' inquiry before taking action.

The corridor leading to the inspectors' office was crowded at an early hour with members of the crew and their friends and survivors of the wreck and the acquaintances of the missing excursionists. The room in which the inquiry was held, however, was too small to accommodate the crowd, and only the witnesses under examination and reporters were admitted.

Capt. Hyde's Story.

Capt. John Hyde, of the James D. Nicol, was the first witness sworn. He testified that he had a license as pilot and captain, and had been in command of the tug since Dec. 12, 1893. Raymond Kelly, a deep sea pilot, was also on board and in the pilot-house a part of the time on the day of the disaster.

"The license of the Nicol was displayed in a prominent place on board, where all persons could see it," said Hyde. "We were authorized to carry forty-five passengers and our regular crew."

"Did you count the people as they came on board?" was asked.

"I did not."

"Did you know your vessel was overloaded?"

"I thought she was."

"Did you protest against it."

"Yes, I did. A great many people came on board and said they were just going to cross over to a vessel lying outside of us, but a number stayed on board. I objected, but it did no good."

"Did you have any liquor on board?"

"Yes. I believe from twelve to fifteen cases of beer were brought on board by the excursionists."

"Was any one drunk on board?"

"Yes; most of the excursionists were somewhat under the influence of liquor."

"How about the crew?"

"I'm quite positive that none of the crew took a drink. They are not drinking men."

"Did Kelly, who assisted you at the wheel, have a license as a deep sea pilot?"

"I understand he has."

"Don't you know?"

"I can't say. I never saw his license."

Doesn't Know His Duty.

"Isn't it your duty, before surrendering the wheel at sea to any one, to know that the person is a licensed pilot."

"Well, it might be. I thought he was a pilot."

Capt. Hyde also testified that he had two friends in the pilot-house with him most of the time. When asked if he did not know that it was contrary to law to have persons in the pilot-house while at sea, he said he did not.

The tug was in good condition, he said, when he left New York and perfectly seaworthy. He received no instructions as to the number of people he was to take on board, having been told merely that he was to take an excursion party down the bay.

William Reeves, agent and manager of the Reeves Towing Company, testified that the James D. Nicol had been carrying excusion parties down the bay off and on for the past eight or nine years, and made between eight and ten such trips a year.

Mr. Reeves was excused until he could communicate with a number of witnesses whom he wished to have present. Charles Kirchner testified that he was the representative of the Herring Fishing Club.

"I made the arrangements with the Superintendent of the Company for a tug to take the Club to the fishing banks and return. We were to pay $50 for the trip. I wanted the tug Sammy, but the Superintendent said that the Sammy was engaged. The Nicol, he said, was a better boat, and could carry sixty-five persons.

"Are you sure of that?"

"Yes, sir."

"How many people were there on board?"

Nearly Ninety People on Board.

"Well, after leaving pier 3 we collected sixty-three tickets, $4 in cash; there were seven deadhead members of the Club, two boy helpers, five members of the crew and about eight or ten others on board."

"That makes over eighty people?"

"Yes, sir; about eighty-six or eighty-seven.

"The people were not counted as they came on board by any one, that I saw. I did not see the inspection certificate of the Nicol, and did not know how many she was entitled to carry, nor was I told by any one."

"Did you carry any liquor on board?"

"Yes. The Club took on board 110 cases of beer, one quart of whiskey and 400 pounds of ice. It was sold for the benefit of the Club. Only two kegs were emptied when the tug went down. I did not see any drunkenness among the passengers.

"I can't say that the crew or officers of the tug were intoxicated, but I saw three buckets of beer go into the pilot-house. I can't say who drank it."

Subsequently the witness said that Capt. Hyde had refused to take a drink with him and he gave him a cigar. This was in response to a question which the captain was permitted to ask him.

When asked why the passengers ran to the port side of the vessel and thereby precipitated the accident, Kirchner said:

"If they had remained on the other side of the boat they would have been washed overboard. The sea was breaking over the left side of the vessel in big waves, and it looked dangerous for any one to be there."

Kirchner said in conclusion that his arrangements with the Company for chartering the tug were made in writing, but that he had lost the papers.

Blames the Passengers.

Engineer Farrell testified that he was a licensed engineer of the first class, and had been employed on the Nicol for nine years. He received no orders previous to the final one to slow down just before the vessel sank. The accident was caused, in his opinion, by the passengers all running on the port side. The boat took no water on board to speak of, and it was not necessary to run the pumps.

Fireman George Hochein corroborated Farrell's story, and said in addition that some of the passengers crowded into the fire-room. He drove them out, and then seeing danger ahead, ran on deck with the engineer and cut loose the lifeboat.

Capt. Hyde was recalled. He said that the Nicol carried a metallic lifeboat, a liferaft and a large boxful of life-preservers. A few life-preservers were scattered about the cabin. He couldn't say how many.

"Was the box containing the life-preservers locked or open?"

"I think it was open—in fact I know it was open. I don't know that any of them were taken out by the crew or passengers."

"Did you give any orders for the manning of the life-boat or for the distribution of the life-preservers when you saw that the vessel was in danger?"

"No, I did not."

"Why not? It was your duty, wasn't it?"

"Well, there wasn't time to do anything."

"You had time to warn the passengers to get over on the starboard side, didn't you?"

"Yes. I yelled to them twice. The last time I cried out: 'For God's sake, get on the other side of the boat.'"

"You gave no orders to the crew?"

"Yes, I ordered them to get the passengers on the other side of the boat. I did not have time to do much of anything else. The sinking of the tug was caused by the heavy seas and by the running of the passengers to the port side of the boat.

"I didn't think she had on board any more passengers than she could safely carry. If the passengers had done as ordered we could have carried them without trouble."

"You said that Pilot Kelly was with you in the pilot-house. Was he engaged to pilot the boat?"

Pilot Kelly a Guest, Only.

"No; he came as my guest, and to cover me, because my license did not extend beyond the Hook."

"Then he wasn't hired as a deep-sea pilot?"

"No."

Albert Hannon, a deck-hand on the Nicol, said he was in the pilot-house when the heavy seas were running, just previous to the catastrophe. He heard the captain order the passengers to the starboard side of the vessel. He noticed that some of the passengers were intoxicated, but did not see any of the crew in that condition. The passengers who were drunk did not interfere with the crew.

Charles Richardson, of Philadelphia, a passenger on the steamer Algonquin, who witnessed the struggles of the Nicol with the heavy seas just before she sank, was next called.

Exonerates Captain and Crew.

"I was in Boston yesterday when I read that the captain and crew of the tug were held responsible for the disaster," said he. As a witness of the catastrophe, I thought it my duty to come on here and give my testimony.

"In my opinion the vessel was handled as well as could be expected under the circumstances. I had been watching the Nicol and half a score of other tugs outside the Hook for the previous half-hour. The weather was simply too rough for that kind of craft.

"Twice, while watching the Nicol, I saw huge seas tumbling over her bow. The man at the wheel seemed to make every effort to keep her nose before the sea. Had he succeeded in doing so, all would have been well, but the seas ran so high that our vessel (the Algonquin) felt their force from time to time."

The witness could not recollect whether any member of the crew or any of the excursionists were the worse for drink.

Inspector Fairchild asked Capt. William Reeves, of the Reeves Towing Company, when he could have his witnesses present.

"Monday," replied the captain.

The Inspector accordingly adjourned the inquiry until Monday morning at 10.30 o'clock.

DWYER APOLOGIZES.

Makes Amends for Having Called Wolf a Liar.

The case of Contractor Dwyer again occupied the attention of the Park Board to-day. Dwyer had the contract for some work on the Museum of Art, which Architect Wolf said was improperly done, and he refused to audit Dwyer's claim. Dwyer is 190 days behind in his work, and Wolf also wants the penalties enforced against him.

At the last meeting Dwyer called Wolf a liar, and to-day he apologized for it. His claim is for $11,000 and $4,000 for extra work. He was willing, he said, to compromise for $13,000, and the Board said the offer would be considered.

The contract for furnishing the new wing of the Museum of Natural History was awarded to John P. Smith, who built it, for $184,750, despite the protests of other contractors, who charged that the specifications were so drawn that only Smith could understand them.

BOX OF CHOICE CIGARS.

The Souvenirs Given Away by the London & Liverpool Clothing Co.

"Souvenir Night" has been made a prominent feature in theatrical management, and the long run of popularity enjoyed by a play or a theatre is commemorated by a gift to each purchaser of a seat. These presents are usually more or less reminiscent of the play or its characters, as well as ornamental. "Souvenir Week" is the latest feature introduced into the clothing trade by the well-known London and Liverpool Clothing Company, of 86 and 88 Bowery.

There is a difference in the souvenir, however. The present with which the London and Liverpool Clothing Company acknowledges its gratitude for patronage is no mere ornamental trifle, but a useful and appreciated luxury.

In commemoration of the second year of success of this house, under its present management, every purchaser this week will receive a box of Havana cigars free. This "treat" of the firm is entirely apart from the extraordinary values which are offered in Summer clothing. Cheviot sack suits, every fibre pure wool, worth $15, are marked $7.50, and serges, in black and blue, guaranteed value $18, are offered at $8.85. An additional feature of the week is an offer of 5,000 Clay diagonal cutaway suits, imported goods, at $12.50.

This anniversary celebration is now in progress, and is emphasized by a fine window display at the establishment of the London and Liverpool Clothing Company, 86 and 88 Bowery, corner Hester street.

NO BODIES TO BE FOUND.

(Continued from First Page.)

ments of Diver Rice nearly fifty feet below by the bubbles of air that escaped from his helmet and rose to the surface.

He walked off towards the twin lights and his movements were followed for about one hundred feet by this means, but the sea was so rough that the bubbles could not be seen beyond that distance.

At the request of "The Evening World" reporters Tender Nelson signalled repeatedly to the diver to come to the surface, they fearing that in his anxiety to locate the wreck he might take risks that would result fatally. Rice answered these signals by calls for more rope. Even the signalling was difficult, owing to the high sea running, and after signalling to the diver several times and receiving no response "The Evening World" men gave imperative orders to have the diver hauled to the surface.

Feared for Rice's Safety.

Capt. De Noyelles jumped down to the lower deck to assist Nelson on the life line. "The Evening World" reporters had relieved the crew at the air-pump and were turning the cranks, distressed by the thought that the air they were forcing down to the bottom of the ocean was going to an unconscious or possibly disabled man. Five minutes of hard pulling on the life line brought the air bubbles within view again, but these would have come to the surface even had the diver been dead.

A few minutes more and the copper helmet of the driver bobbed to the surface, and from the movements of his arms it could be seen that the driver was at least alive. He was hauled over to the iron ladder lashed to the tug's rail, and as he leaned over the top rung the helmet was unscrewed.

As it was lifted off his head it was seen that he was laughing, and his first remark was:

"What's the matter with you fellows? I had just got alongside the wreck when you yanked me clean off my feet."

It was explained that no answer had been returned to the signals sent to him and this had led the watchers to feel that something was wrong.

Tender Nelson's skill in handling the lines rendered the task of raising Rice from the bottom less dangerous than it would otherwise have been. In unskilled hands he might have been dashed against the side of the tug, or the iron ladder and been seriously injured, if not killed. Even as it was the feat was one fraught with peril. Diver Rice brought up a handful of white sand and said the bottom was all like that, and as smooth as a board.

After a breathing spell of a few minutes, Diver Rice said the wreck was right side up and listed over. Said he:

"I was preparing to clamber aboard when the life line threw me off my feet. I could see but very little, though the outline of the dark hull was quite plain. The outline of the upper part of the wreck appeared jagged. This I could see by looking upward."

He Makes Another Descent.

Diver Rice then desired to have his helmet put on so that he could go down again while the direction of the wreck was fresh in his mind. His request was complied with, and he disappeared with a splash. Again the trail of air bubbles showed that Rice had fixed the location of the wreck correctly in his mind, as he started off boldly in the same direction whence he was pulled but a few minutes before.

This time the answers to tender Nelson's signals came more promptly. It was evident from this alone that Rice did not again care to have his movements interfered with.

One hour and twenty minutes after Rice's second dive he signalled to be pulled up. He had a narrow escape this time from being dashed against the iron ladder, his helmet just grazing it. His helmet was quickly unscrewed and Rice came on board.

Could See No Bodies.

He said that he had gone carefully over the ground on both sides of the wreck, thinking perhaps that bodies might have been backed up either by the tide or the eddies against the hull. He had seen no bodies nor any traces of any.

"After examining the wreck," said Rice, "I half-circled the tug on one side, and then did the same thing on the other side, and felt my way about for about six hundred feet in a circle, searching for anything that might have belonged to the Nicol."

At Diver Rice's request, Capt. De Noyelles moved the Assistance to the westward of the sunken wreck, a quarter of a mile further in shore. Here the anchor was again heaved and Rice prepared for his third descent.

This time he worked again towards the wreck, and, the sea having quieted down somewhat, his movements were more easily traced. He moved out to the full limit of the life-line, and then began to circle about the Assistance.

For a brief spell air bubbles came to the surface in one spot, and it was thus demonstrated to the watchers that the diver had come to a stand. Tender Nelson suggested that perhaps Rice had found a body and was trying to make fast to it. He had carried down fastened to his belt a short line for that purpose. Rice remained stationary only a few minutes, however, and then the moving trail of air bubbles told the watchers that he had resumed his journey.

The diver completed a circuit at the end of the life line and then cut across the circle as if to fix it.

Thirty-five minutes from the time he went down Rice signalled to be hauled to the surface.

No Bodies Near the Wreck.

"I don't believe there are any bodies anywhere near the wreck," said he, "as the bottom down there is so smooth and even that the currents and undertow would easily roll them away. It will be next to impossible to find them below the surface now, since we know they are not in the vicinity of the wreck.

"My own impression is that the bodies have been carried either out to sea or up in towards the Narrows, and they have almost surely been scattered over a wide stretch of water. Until gases form, and they are in that way buoyed to the surface, it will be next to impossible to find them. There is no likelihood of any of them coming up near the wreck."

Tender Nelson, as he helped Rice out of his suit, told of an experience he and a party had in searching for the bodies of sixty-four persons drowned by the sinking of a Spanish steamer off Barnegat Light nearly four years ago.

The steamer had come into collision with a four-masted schooner, and both had gone down in ten fathoms of water. Among those lost on the steamer was a rich Cuban, whose relatives employed divers from the Merritt Wrecking Company to search for the victims of the disaster.

The divers went down to Barnegat on the tug Dalziel, and after searching for four days found only three bodies, all of which had been held fast to the wreck by the rigging. The other bodies had been drawn away from the wreck by the currents, and so far as known no one was discovered or, at least, identified.

The tug Assistance has since Monday dragged over nearly every spot along the coast within five miles of where the Nicol went down, but without result until to-day. During this period no other vessel has been engaged in a search for the bodies of the ill-fated Nicol's passengers, and "The Evening World's" expedition is the only one fitted out to systematically pursue the search.

The Nicol's Wreckage Identified.

All day yesterday and until nearly midnight last night, the search was kept up, and at 4 o'clock this morning it was resumed, with the result described. If the Assistance had been able to make fast to the wreck on the first day out the result might have been different.

The tug E. H. Garrison, Capt. Seely, sent out this morning by the owners of the James D. Nicol to locate and buoy the wreck, came in sight of the Highlands as "The Evening World's" tug started in. The Garrison followed the Assistance into the Horseshoe, and tied up alongside of her.

Capt. Seely boarded the Assistance and positively identified the parts of the deck-house picked up, as parts of the ill-fated Nicol.

No bodies were found to-day by the beach patrol.

No More Bodies Found.

No more bodies of victims of the tug Nicol disaster have yet been recovered, but one of the reported missing men has turned up, safe and sound.

He is William Moore, of 652 Hicks street, Brooklyn, who has informed "The Evening World" by letter that he and his friend, John Quinn, who was at first, also reported among the missing, are alive and well.

The list of missing, however, still remains at forty, for to it is added the name of Augustus Murphy, who worked at32 Whitehall street. He is believed to have been drowned.

Watching the Beach for the Dead.

LONG BRANCH, N. J., June 27.—No bodies have been washed ashore here since that of Andrew Weisler, Monday. Undertaker and Deputy Coroner William Morris is constantly receiving visits from people who come here in search of their lost ones—some looking for husbands, others looking for their fathers and brothers.

Each visitor leaves a description or photograph of the missing one for identification. Many telegrams and letters also are being received.

Fully seventy-five persons called at Morris's Morgue yesterday, and about the same number of letters were received. Morris says he has received many letters from people inquiring for lost friends who were supposed to have been upon the tug James D. Nicol, but whose names have not appeared in the newspapers. No bodies are likely to come ashore to-day unless the wind changes to the east.

ONLY TWO BODIES CLAIMED.

Swedish Singing Society Will Bury Mrs. Nelson.

The bodies of Kate Higgins and Mrs. Nelson, who were drowned with Mrs. Nelson's husband, boy and brother, named Anderson, by the capsizing of a catboat off Fifty-fifth street, South Brooklyn, Sunday, were claimed at the Morgue this morning. The body of Kate Higgins was recovered last night off the foot of Fifty-third street. It was claimed by her father, John Higgins, of 509 Hicks street.

John Murphy, an undertaker, of 306 Van Brunt street, called for the body of Mrs. Nelson. Undertaker Murphy said he had been commissioned by a Swedish singing society, of which Mrs. Nelson was a member, to bury the body. The body of Anderson is still at the Morgue waiting to be claimed.

Nelson's little child, Ida, the only survivor of the party, is still at the Norwegian Hospital, and unless somebody claims her son she will become a charge on the county.

Three bodies have so far been recovered.

John Johnson, an employee of one of the hotels at Long Branch, has applied to Public Administrator Davenport for the charge of the effects of the Nelson family. He says he is a relative of Mrs. Nelson.

ROBBED THE SOUBRETTE.

Alleged Leader of a Gang of Sneak-Thieves in the Tolls.

Richard Johnson, alias F. D. Hay, was in the Yorkville Police Court this morning held for trial on the charge of robbery. He is also suspected of being the ringleader of a gang of men who have been systematically robbing houses located within the boundaries of the West Forty-seventh street police station. The members of the gang offer to do work cheaply in the houses, and then make off with whatever articles they can find.

On Saturday last Dr. E. W. Davis, of 153 West Forty-fourth street, engaged Johnson to do some paper hanging in the house. Johnson went off for help and soon returned with a seedy-looking individual. The two worked until noon, when they went for lunch. Then it was found that a gold watch and chain and a diamond brooch, the property of a soubrette, Minnie Thurgate, and a Miss O'Bayne, who also resided in the house, had been stolen.

Johnson returned to work in the afternoon, but without his helper. He denied all knowledge of the theft. The man he had with him before noon, Johnson said, was a poor fellow he found on the street and to whom he gave employment.

The police say Johnson is the ringleader and expect to have his accomplice within twenty-four hours.

CAUGHT STEALING COAL.

A Policeman Surprises a Gang of Young Robbers.

A gang of hoodlums have for a long time been stealing coal from canal-boats and yards along the docks on the North River and selling it at half-price in the neighborhood. An occasional arrest would be made, but the thefts continued.

Last night a number of the coal thieves crawled into the coal-yard of William J. Keating, 460 West Fifty-seventh street, through a hole in the wall, and were engaged in filling some bags with coal when they were surprised by the appearance of Policeman Hill, of the West Forty-seventh street station.

The policeman "fanned" a few of them with his night stick and arrested the alleged ringleader. The prisoner said he was Thomas Flanagan, seventeen years old, of Tenth avenue between Fifty-sixth and Fifty-seventh street. He was held in the Yorkville Police Court to-day.

JUMPED INTO THE RIVER.

Tied a Large Stone to His Leg to Make Sure of Death, but Failed.

Joseph G. Lawson, forty-four years of age, who claimed to be a tailor, of 80 Bowery, attempted suicide this morning by jumping into the East River from pier 29. He had fastened a large stone to a rope, which he tied around his leg.

The preparations were watched by George McClosky, of 548 Driggs avenue, Brooklyn, who rescued him and turned him over to Policeman Sommers, of the steamboat squad. He was arraigned in the Tombs Police Court, where he said that the hot weather had prompted him to the act. He was committed for examination as to his sanity.

Lawson hails from Jacksonville, Fla., whence he came eighteen months ago. Since his arrival here he has been a patient at Bellevue Hospital, from where he was discharged Monday.

IDENTIFIED THE SUICIDE.

The Man Who Shot Himself in Central Park Was Jacob Haas.

The man who committed suicide by shooting himself in Central Park, near East Sixty-seventh street, last night was identified at the Morgue this morning as Jacob Haas, a merchant, of 585 Clinton avenue, West Hoboken, N. J.

Mrs. Carrie Haas, the suicide's widow, called at the Morgue at 10 o'clock this morning. She said her husband had left their home yesterday forenoon as usual, seemingly in excellent spirits, prepared, he said, for a big day's work. Not having returned last night, Mrs. Haas anxiously scanned the newspapers to learn if any accident had befallen him. The description of the unknown man who had shot himself in Central Park tallied with that of her husband.

Bowery Bank's New Building.

The Bowery Savings Bank has opened the portion of its new building now completed on Grand street, just around the corner from the old building. The Grand street entrance will be used for the transaction of all business until the main entrance on the Bowery is completed. An instructive leaflet, issued by the bank, gives depositors hints about opening accounts, payment of interest and other information.

CHILDREN ARE DRAGGED IN.

A Daughter and Two Sons in a Divorce Mess.

The Girl Against Her Mother and Sons Against Father.

The suit of Charles Dreyer, for an absolute divorce from Marie Dreyer, was heard by Judge Dugro, in the Special Term of the Supreme Court to-day.

Dreyer, the plaintiff, appears to be about fifty years old. He is a native of France, and seems to be a man of superior education.

He testified that he was married to the defendant in Paris, Jan. 9, 1872, and that three children resulted from the marriage.

Mrs. Caroline Gilsey, a daughter, a remarkably pretty woman about twenty years old, was accompanied to court by her husband. She swore that her mother had been guilty of improper conduct with the co-respondent, Xanier Lemonnier, and that she had been compelled to leave home because of her mother's behavior. She said her mother had lived at 72 Washington square with Lemonnier.

"What did you see between your mother and Mr. Lemonnier?" asked the lawyer.

Mrs. Gilsey hesitated, and replied: "What I saw is unfit for me to repeat here."

Mrs. Dreyer alleged that shortly after their marriage her husband and she had come to America to live. She said that in 1889 her husband had abandoned her and gone to Paris, taking their two boys, Charles and Paul, with him.

She followed her husband to Paris and brought her sons back. She alleged in her complaint that her husband lived in Paris with a woman named May.

Charles Dreyer, a son thirteen years old, testified that his father had lived with the May woman in Paris.

When asked by the Judge who he would rather live with, the little fellow replied, "my mother."

Paul, another son, eleven years old, was to corroborate his elder brother, but before his examination Judge Dugro said he did not think it necessary.

The complaint was dismissed, and the custody of the sons was awarded to their mother.

COMPLICATED VIOLENCE.

Kern Assaults a Girl, and Friends Try to Rescue Him.

On Friday last fifteen-year-old Amanda Diezeleti entered the employ of Henry Kern, who keeps a candy store at 151 Seventh street, as a domestic.

The girl alleges that on the second day Kern approached her, revolver in hand, and threatened to kill her if she made an outcry. He then knocked her down and, she alleges, attempted to criminally assault her. She struggled desperately with Kern and managed to get away. She went at once to the Fifth street police station and reported the matter to Capt. Cross.

Detectives Lang and Taylor investigated the girl's story and last night went to arrest Kern. The latter resisted arrest, and Joseph Ochsner, twenty-two years old, of 188 Seventh street, and Frederick Zwingle, nineteen years old, of 118 Allen street, went to his assistance. They were also arrested. In the Essex Market Police Court to-day Justice Hogan held Kern for examination. He denies the charge. His would-be rescuers were fined $10 each.

DID HE KIDNAP THE GIRL?

Von Boeckman Held for Keeping Prisoner a Young Immigrant.

Gustave F. Von Boeckman, of 423 East Ninth street, was arraigned in the Essex Market Police Court to-day charged with having spirited away an immigrant girl, fifteen years old, named Vaeley Lange, and keeping her a prisoner some place against her will. The charge was made by Rev. Paul Sommerlatte, of the Harbor Missionary Reformed Church.

The latter said that the girl disappeared two days ago from a boarding-house where she was employed as a servant. Von Boeckman, he claimed, boarded in the same house with the girl, he was the last one seen with her and they had often been seen together on the street. The clergyman claimed that Von Boeckman, who was married but separated from his wife, had put the girl in a furnished room.

The prisoner, who denied knowing any thing of the girl's whereabouts, was remanded for examination.

SEAGRIST WILL CONTEST.

Relatives Say the Ex-Alderman Was Not of Sound Mind.

Objections to the probate of the will of the late ex-Alderman Nicholas Seagrist, were filed with Probate Clerk Washburn to-day. The contestants are Mary A. Straus and Barbara Harris, relatives of the deceased ex-Alderman, and it is said that other relatives will also file objections.

Ex-Alderman Seagrist died several weeks ago leaving most of his estate to his niece, Theresa Sigrist. The will is dated April 14, 1891. The contestants say that the will offered for probate is not the last will of the deceased; that it was not executed by his own free will and that at the date of execution the testator was not of sound mind.

The value of the estate is not known.

CHLOROFORMED HER FAMILY.

Then Miss Witten Eloped from Her Father's Roof.

(By Associated Press.)

PAINTSVILLE, Ky., June 27.—Helen Witten, the pretty daughter of William Witten, a prominent farmer, living four miles north of here, has had an ardent lover in Henry W. Wilcox, but the family discouraged his attentions and took every precaution to prevent an elopement, even locking up the girl's clothing.

In order to get away last night Miss Witten chloroformed her father, mother and the entire family of six. When they recovered from their stupor the girl and all her clothing were gone. It is presumed Wilcox and Miss Witten eloped to Ohio.

ALLEGED OPIUM JOINT.

Detectives Found an Inmate with a Layout Beside Him.

Emma Lamont, twenty-five years old, 254 West Thirty-ninth street, was held in $300 bail for maintaining a flat for opium-smoking, at Jefferson Market Court to-day. Her place was raided last night by Detectives Hay and Curry, of the West Thirty-seventh street station. "John Brown" was the name given by a man, and Ida Palmer by a woman found in the flat.

Miss Palmer was discharged for lack of evidence. The man was found with an opium layout beside him. Detective Hay testified that the bowl of the pipe was hot, and the man was held in $300 bail for smoking.

JAPANESE CAN'T VOTE.

Justice Colt Decides the Shebain Saito Case.

(By Associated Press.)

BOSTON, June 27.—In the United States Circuit Court to-day Judge Colt handed down his decision in the noted Saebata Saito case, which was an application of a native Japanese for naturalization and denied the application.

In his decree of denial, Judge Colt says: "The Japanese, like the Chinese, belong to the Mongolian race, and the question presented is whether they are included in that term of the Revised Statutes, 'white persons.'"

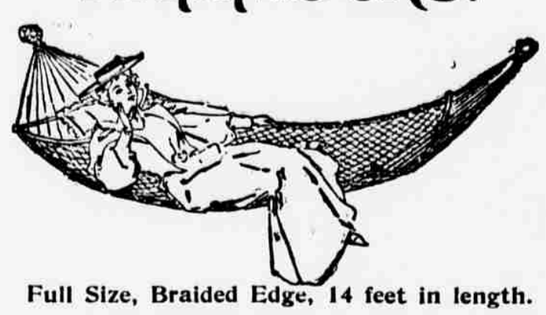
O'Neill's,

6th Ave. 20th to 21st St.

SPECIAL VALUES IN SUMMER GOODS (BASEMENT.)

For Thursday, Friday and Saturday.

Special Sale IMPROVED MEXICAN SISAL HAMMOCKS.



Full Size, Braided Edge, 14 feet in length.

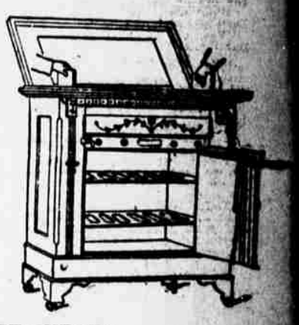
59c. each,

Regular Price 90c.

ICE-WATER PITCHERS, Plain White China. 59c. EACH.

CHINA CUSPIDORS, 33c. each. Worth double.

TWO LOTS Refrigerators and Ice Chests at SPECIAL PRICES.



ICE CHESTS, Medium Size, 4.50

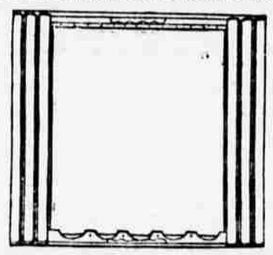
REFRIGERATORS, 6.98

50 Feet Warranted GARDEN HOSE Complete with spray nozzle and reel, 4.98

LAWN MOWERS.

10-inch.....2.85
12-inch.....2.98
14-inch.....3.25
ALL SPECIAL PRICES.

Window and Door Screens



Window Screens . . 19c. up
Screen Doors . . . 98c. up.

"GEM" Ice-Cream Freezer. 2-quart Size. 1.25

This price holds good for Thursday, Friday and Saturday only.

ASBESTOS STOVE MATS, 4c. each.

No kitchen can afford to be without one.

AGATE PRESERVING KETTLES, First quality. 69c. each.

"A DECIDED BARGAIN."

A Large Practical Gas Stove. TWO DOUBLE BURNERS. Regularly sold for 3.00; 2.19 each.

The top plate surface in these stoves is much larger than is made by other manufacturers. It will accommodate a wash boiler, and MORE and LARGER cooking utensils can rest securely on its surface than on any other flat or boiling gas stove. The stoves are sufficiently high to allow of whatever they may stand upon to be kept tidy and clean without moving the stove.

Complete Assortment Croquet Sets and Children's Velocipedes and Tricycles, at Lowest Prices.

FRIDAY, JUNE 29TH,

Special Sale Trunks and Bags.

SEE EVENING PAPERS TO-MORROW FOR PARTICULARS.

All purchases delivered by express free of charge at any point within 100 miles of New York City.

H. O'NEILL & CO., 6th Ave., 20th to 21st St.

HARMONYITES INHARMONIOUS

Teed and His "Angels" Want to Control the Society's Property.

(By Associated Press.)

PITTSBURG, June 27.—A suit in equity was brought in the United States Court here yesterday against John S. Duss and the members of the present Harmony Society by two former members, who ask for a receiver and the ousting of Duss as President.

The bill alleges that the property of the Society was worth $4,000,000 when Duss assumed management, and that Duss is scheming to gain complete control. It is alleged that Duss and Dr. Teed, the head of the Koreshan, are working together, and that funds of the Harmony Society are being used for the erection of a building at Economy, where Teed and his "angels" are to be domiciled.

CAUGHT A BOSTON BURGLAR.

When Captured on the Bowery, Michaels Confessed.

Horace J. Michaels, colored, twenty-six years old, who claims his home is in Providence, was held in the Tombs Police Court this morning to await requisition from Boston, Mass., on a charge of burglary. Michaels was arrested on the Bowery yesterday afternoon by Detective-Sergts. O'Connor and Alonzo while trying to dispose of several valuable articles.

When Michaels was arrested he admitted everything. He said that last Sunday morning he broke into the residence of Frederick Easterbrook, a wealthy cigar manufacturer, at 48 Rutland square, Boston, Mass. He obtained several valuable things, some of which he pawned in Providence. When arrested he wore a suit of clothing that was stolen from Mr. Easterbrook. A man named Hammond, who was arrested with Michaels, was discharged.