

TAMSEN SHOWS FIGHT

Gen. Tracy Says Sheriff's Indictment Is Faulty.

SCORED BY COL. FELLOWS.

Declares He Knew Ludlow Street Jail Officials Were Incompetent.

The matter of the argument upon the demurrer to the indictment of Sheriff Tamsen, which has been so often delayed, came up at last this morning in Part I of the Court of General Sessions before Judge Fitzgerald.

District Attorney Fellows was promptly on hand on Gen. Benjamin F. Tracy, the Sheriff's counsel, entered the courtroom at 11:30 o'clock.

"It is charged that the Sheriff neglected to remove incompetent officials in the Ludlow Street jail," began Gen. Tracy, "but there is nothing to show how or in what manner these persons were incompetent. It does not say they were old or infirm or blind. It simply states generally that they were incompetent.

"There is no specification as to how they were incompetent," continued Gen. Tracy. "It is not alleged that they did not faithfully perform their duty as keepers. There is no allegation in the indictment sufficient to constitute an offense.

"This is a novel indictment. You may search the records of the State and not find one like it.

"There is nothing to show that the Sheriff was wilfully negligent of his duty. To be wilfully negligent one must have a purpose, a willful purpose to neglect his duty.

"There is nothing to show that Sheriff Tamsen had knowledge of any specific duty provided by the statute which he neglected to perform. There is nothing in the indictment which calls upon the Sheriff to discharge incompetent officials.

"The only duty enjoined by law upon the Sheriff was to safely keep the prisoners, and that which was alleged that that duty was neglected.

"There is not a case in this State where a public officer has been punished for neglecting to perform duties which were not specifically enjoined upon him by statute.

"This concluded Gen. Tracy's argument upon the demurrer to the first indictment.

"It is the duty of the Sheriff to appoint certain officers of the county jail, and it is the plain duty of those officers to properly keep the prisoners safely," argued Col. Fellows.

"The keeper, whom Sheriff Tamsen appointed, we charge in the indictment, were grossly incompetent, and to his knowledge at the time of their appointment.

"The fact that he knew that they were incompetent is a matter of evidence which cannot properly be put in an indictment, but which must be submitted to the Court and jury.

WOULD DESECRATE A GRAVE.

Brooks Asks Protection for His Wife's Resting Place.

ONLY A FEW CAN BE RECITED.

Fairs for the Fund at Sheepshead Bay and New Brighton.

When the structure was put in place on Jan. 29, 1904, Brooks executed his will, leaving the fund to his wife, Mrs. Lawrence D. Frank, in payment of \$1,500 in the event of her death.

Taylor & Co. assigned their claim to Henry Hollenback on Jan. 5 for the full face value of the note.

On the argument for the injunction, counsel for Brooks contended that the right to remove the monument was unconditional.

In the course of the argument Judge Beekman said:

"It is inconceivable that the Legislature should give any person a place where the dead are buried, and then allow another person to remove the monument and other fixtures passed to this lot owner and became his property."

The peddlers handed to the Magistrate the letter, which they had drawn up during the night and which was transmitted to the court this morning by Mrs. Moustaki, the court interpreter.

Your Honor, we wish to state that on the 17th of the month we were arrested in the city of New York, and were taken to the police station, where we were held for a period of several days.

After reading the letter and giving effect to a separate hearing, Magistrate Westworth announced that he would fine those who were not provided with licenses \$100, and discharge the others, ten in number.

Westchester County Fares Fixed. ALBANY, Sept. 19.—The Railroad Commissioners have decided that the Manhattan Railway, the Hudson River Railway and the New York, New Haven and Hartford Railroad Company have the right to charge a fare of 5 cents for a round trip between New York and Westchester county.

Coroner Hooper has received a preliminary report from Dr. W. T. Schiele, who is making the chemical analysis upon the stomach of Mrs. Hooper's deceased daughter.

Two Early Morning Fires. Early this morning there were two small fires. The first was on the first floor of a tenement at 416 West 125th street, and the second fire was at 416 West 125th street, and the second fire was at 416 West 125th street.

HE pleasant little prairie town of Larkspur, Tex., is only two years old, and hence it cannot be expected to have all the modern conveniences that are found in cities of a little greater size.

country. He was first called in to attend to some ailment of Mrs. Johnson, but it soon began to be rumored that he was going just a little more frequently than the welfare of his patient seemed to demand, and, of course, the rather local public of cowboys was not slow to spread the news.

"I expect it's flowers," Larkspur. There's no end of them there around the dugout."

FREE DOCTORS' TALES

Experiences of the Sick Babies' Fund Physicians.

ONLY A FEW CAN BE RECITED.

Fairs for the Fund at Sheepshead Bay and New Brighton.

THE SUBSCRIPTIONS. Fair, Oshorn House, Sheepshead Bay, L. I., under the management of Mrs. Lawrence D. Frank, assisted by Irma Frank and Emma McKean, very prominent friends of the fund.

THE STORIES OF THE FREE DOCTORS OF THE Sick Babies' Fund have not been printed for some time, owing to the large space demanded by contributions to the charity.

"Will, making my rounds this week," the doctor wrote, "I found, in adjoining houses, cases which were good types of the two classes we are called upon to help."

"The other picture is entirely different. It shows a clean, bright, comfortable room, clean as a German household, with a table and chairs, a woman sitting beside a table trying to feed her child."

"The little one, who was more than fatherless, was found to have a high fever, and was in a very bad way. In fact her condition was so serious it seemed as if she must be seen daily by a doctor."

"The packages were received. Saturday last I brought two packages of half a dozen bottles of Salva-cea."

A Cold in the Head. The quickest way to get rid of it—the simplest and surest—no bother, no trouble—is with Salva-cea.

Just then he noticed that Alice and the doctor had started out a little distance, and he was not sure whether he was to be invited to follow them.

"I don't know anything about it, sir," said the doctor, "but I'll show you my treasure, but you'd better hurry off now before they see us."

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