MR. ALLEY CROSS-EXAMINED.

TESTIMONY IN THE FEUARDENT SUIT.

MORE ABOUT THE TORN ALBUM AND REPAIRS OF VARIOUS STATUES.

The Feuardent di Cesnola libel case was resumed in the United States Circuit Court, before Judge Shipman, yesterday afternoon. The hearing was taken up with the cross-examination of Dixon B. Alley by Mr. Stickney, of counsel for the defence. The testimony was as follows:

In 1881 I was assistant janitor of the Museum Building in Central Park. Henkel had charge of the catalogues before they came into my care. When the statues were bathed immediately after coming up from Fourteenth-st. nothing but water was used. The statues in controversy are in most cases very large. I should think the Hercules weighs about 500 pounds. It does not weigh two tons. I never saw any of them moved from the cases since the meeting of the Investigating Committee of the Trustees except No. 40 [statuette of a man]. It was away while the committee was in session. I saw two heads moved away that were never brought back again. The back part of one head was all plaster. I saw No. 157 removed. I do not remember any others. I knew of stone being used in repair of No. 39 (statue holding a horned head), and in the repair of the legs of the Sphinxes No. 35. There are slivers of stone in the neck of No. 40. There was soft stuff on the surface of the statues when they came from Fourteenth-st., and the water-baths they received removed it. I understood that the acid baths to which the bronzes were subjected, and which I have described, were necessary to remove corroding and preserve them from ultimate destruction. I said that a piece of the leg was saved from the Egyptian warrior, and the right shoulder was plastered. [The statuette of the Egyptian warrior was then shown.] It seems to have grown smaller. I do not mean to say it has; it is so long since I saw it last. I see that the space which I said was filled up with plaster is repaired with a piece of stone. [The piece of stone continued a carving of a necklace about the neck.] I see that the carving corresponds. I will not say that it is different now from what it was on exhibition. I know the head was never black then as it is now. The Investigating Committee had the statue. I do not think they bathed it. When I opened the case containing the sphinxes the front legs were broken in pieces. They were nine-tenths plaster. The legs were afterward made up of plaster, stone cylinders and cement.

My attention was once called to the statuette No. 157 (probably of Venus), by Mr. Feuardent's pamphlet of the paper on it read before the Numismatic Society. Then I saw it in June, 1879, in the Museum Building. Mr. Feuardent and two other gentlemen came in and discussed this statuette as it lay exposed to the sun's rays in the exhibition room. General di Cesnola gave me orders to exclude Mr. Feuardent from the building. I was not the doorkeeper. I was washing the potteries when I received the orders. He gave the same orders to the other men. I did not hear him do so, but assume that he did. I examined the statue the same day that I saw it. Feuardent did discussing it; also the next morning. I then saw the change which occurred. The mirror was of paster, and I scratched it with my knife. I say now that the plaster has been taken away and a stone mirror put on the side, and the surrounding stone has been cut away. In fact, I suggested to Mr. Baillard, the repairer, that this was the only way out of the scrape.

Mr. Stickney—What scrape?

The witness—The scrape the statue was in.

THE HAND AND PATERA.

The witness continued: This was after the publication of the charges. I opened the case containing the statuette the Sunday after the charges were published (August, 1880), and the mirror was then stone. I had not seen it previously since 1879. I took it out of the case to see what Mr. Baillard had been doing with it. I saw the statue of the priest, No. 22, in Fourteenth-st. The hand and patera were loose. They were attached by a square wooden dowel. [Hand No. 1 shown, in which the hole is represented as round.] That is not a good picture of the hole. I said in my written report that the hand and patera were loose. I knew that I had seen them detached altogether, during several months, in one case. I saw the report of the investigating committee, and understood that they found that the hand and patera were part of the solid statue. I did not know of the photograph in the album then showing the hand and patera off. I looked for it first when *The Times* published a description of card No. 1 in March, 1881. I was examining it in the album when Forman came for it and took the album to General di Cesnola. Handy the messenger-boy, brought it back in about two hours and a half. I then found the leaf missing. I spoke to Henkel about it that afternoon. I told him of my own volition. He did not say that he had been in the General's room, or that Mr. Prime had taken him down to look at the statues. He did not say anything at all. The next morning Henkel came down stairs with the waste-paper basket in his hand while I was in the hall hanging up my coat. He said: "I have found the pieces of the page." I told him to keep them. When he said I told him to look for the pieces, he did not state the matter correctly.

Mr. Stickney—But you say when he came down stairs he told you he had found them.

The witness—I did not say that. [Testimony read.]

Mr. Stickney—You did say it then?

THE TORN PAGE.

Mr. Alley proceeded as follows: I next saw them pasted together in my house in Harlem. This was a few days before the affidavits spoken of were made. I thought the matter might be useful as evidence in such a case as the present one. I had a conversation with Mr. Feuardent after he began the suit. I never asked Henkel to preserve the pieces for my protection. They could not protect me. His statement was incorrect. I gave them to Mr. Feuardent to show to Cyrus Lawrence, one of the trustees. I first told Mr. Feuardent of the torn leaf, when I visited him at his office in Lafayette-place, after my discharge from the Museum. He had promised to get me employment in Maiden-lane. He was overjoyed to hear about the leaf. I told him that it was torn out. I knew then, but I do not know now, whether Henkel had it or I. Henkel lived next door to me. The leaf was in Mr. Feuardent's possession only one night. General di Cesnola had confidence in me. In the summer of 1881, I had charge of his house, with Henkel, while the General was in Europe. General di Cesnola charged me at one time with giving information to Mr. Feuardent. I went to Mr. Feuardent's house twice in 1879, prior to all these charges. A man named Rooney said that I was in the habit of going to Feuardent's house. I did not say to Rooney, in the presence of his wife, that I had given information to Feuardent. I had a conversation with Rooney and his wife pending the charges. I denied the charge made, to General di Cesnola. I think General di Cesnola spoke of the charge first to me. [A paper was here shown dated November 16, 1881, signed by Alley, Henkel and Forman denying "the scandalous stories" circulated by Mrs. Rooney. To this was appended a specific denial by Mr. Alley of the charge that he had given information to Mr. Feuardent.] General di Cesnola asked me to make that report and have the other two men sign it. I made the report of the restorations in exhibit 75, by General di Cesnola's request. I told Mr. Savage, when he asked me in August, 1881, that I had seen the hand and patera of the statue No. 22, detached. I made out a written list of restorations. I went over a large part of the collection in company with Mr. Savage and Mr. Henkel. I did not tell him all knew. I left out reference to those statues which were the subject of the Feuardent charges. I did not know of the photograph showing the priest with the hand and patera off.

Mr. Stickney—You testified that this examination was in August, 1881?

The witness—Yes.

Mr. Stickney—And the card No. 1, which brought your attention to that photograph, was described in *The Times* of March, 1881?

The witness—Yes.

Mr. Stickney—Then you did not know about the photograph when you examined the statues with Mr. Savage?

The witness—Let me think.

Mr. Stickney—I will, but I do not think you are entitled to it.

Mr. Bange—I object to this way of using a witness.

Mr. Stickney—I quite appreciate Mr. Bange's estimate of the effect of the cross-examination, or he would be quiet.

The Court—I do not think Mr. Stickney has been discourteous to the witness.

The witness—I made a mistake.

The witness resumed—I was speaking of the statue of the priest with Mr. Savage, and referred to the hand and patera. I told him I thought the hand and patera were off at one time. I knew of the photograph then showing them to be so. But I did not tell him of it.

The trial will go forward to-day.

SPIRITUALISM AND A LIBEL SUIT.

The suit of William R. and Thomas S. Tice against J. M. Roberts, editor of *Mind and Matter*, a Philadelphia journal, to recover damages amounting to $30,000 (two suits having been combined), came to trial yesterday in the Circuit Court in Brooklyn. The brothers Tice have exposed the frauds in many so-called spiritualistic manifestations. One Alfred R. James was exposed by them in Brooklyn and Philadelphia, after showing what he called "spirit forms," and in consequence *Mind and Matter* poured out abuse upon them. The alleged libel consisted of a statement that when Thomas Tice assigned his jewelry business to his brother it was to defraud his creditors. In the trial the brothers Tice testified that they had exposed James's representations and that they found in James's pockets several articles used by him in representing spirits. Their business arrangements were to protect the creditors and not to swindle them.

J. M. Roberts, the defendant, testified that he wrote the alleged libel, and learned the facts from *The Jewelers' Journal*, which made no specific charge of swindling. The Messrs. Tice were hunting down James and himself and trying to suppress spiritualism. James did not deny having the articles found on him, including silk caps, scarfs, veils, stockings, slippers and a false moustache. There was no fraud in the matter. It was monstrous to hunt down mediums as these men did. The articles of clothing had to be supplied, for the spirits clothed themselves in what they found lying around.

LEECTRIC LIGHT WIRES ABOVE GROUND.

The suit of John S. Tuttle against the Brush Electric Illuminating Company, to compel it to remove its poles and wires from West Twenty-fifth-st., in front of the plaintiff's premises, came up before Judge Ingraham in the Superior Court Special Term, yesterday. L. E. Chittenden represented the plaintiff and William M. Evarts the defendants. The suit was originally brought in the summer of 1881. Edward H. Johnson, an electrical engineer, testified that there was no necessity for serial electrical conductors. Mr. Evarts objected to the line of testimony introduced, on the ground that if the company had been duly authorized by the city, under an act of the Legislature, and had the right to put up the poles and wires, then it was wholly immaterial to prove that this authority should have been confined to putting the wires underground. He justified the company on the authority of the Common Council.

Judge Ingraham held that if the Common Council gave the authority to use the Brush system, then the company was justified; if not, it was still no question of best or worst; the company must simply remove its lines, in the latter alternative. He therefore sustained the objection.

Mr. Johnson then testified that the current from the wires would, if they were handled, produce a result from severe to fatal. If firemen were playing on the wires, a current of electricity might pass from them and cause death. The case will be continued to-day.

BRIDGE TRUSTEES' RESPONSIBILITY.

Judge Barnard handed down a decision yesterday in Brooklyn in the suit of Patrick Walsh to recover damages from the Bridge trustees for injuries received by the fall of a plank from the Bridge upon his foot. He holds that the trustees are not liable for damages, as they are State officers and not city officers, and the Bridge belongs to the two cities. The decision is said to settle the responsibility of the trustees for accidents, such as the disaster on Decoration Day.

CIVIL NOTES.

Charles Pinard was granted letters of administration yesterday upon the estate of his father, the late John B. Pinard, the caterer.

Senator Thomas F. Grady was appointed referee yesterday in the suit for an absolute divorce of Charlotte Martin against John Martin, on the ground of infidelity. The plaintiff and defendant were married in Brooklyn on March 17, 1870.

Judge Ingraham, in the Special Term of the Superior Court, yesterday, appointed William Sinclair referee in the suit of Fernande Lemasne against his wife, Emelie Lemasne, for an absolute divorce. They were married in this city on April 2, 1877. The defendant has been residing in France, and the summons in the action was served upon her by publication.

UNITED STATES SUPREME COURT.

WASHINGTON, Nov. 12.—The proceedings of the United States Supreme Court to-day were as follows:

No. 75—Michael Reizer, plaintiff in error, agt. Alfred M. Wood, collector, etc. In error to the Circuit Court of the United States for the Southern District of New-York. Judgment reversed with costs, and cause remanded with directions to enter judgment for plaintiff for $61 30, with interest and costs.

No. 94—Charles A. Snyder, appellant agt. Morris Marks, collector, etc.; appeal from Circuit Court of the United States for the District of Louisiana. Decree affirmed with costs, and cause remanded to Circuit Court of United States for Eastern District of Louisiana.

No. 92—George D. Cragin, plaintiff in error, agt. William S. Lovell, executor, etc.; in error to the Circuit Court of the United States for the District of Louisiana. Judgment reversed with costs, and cause remanded to the Circuit Court for Eastern District of Louisiana, etc.

No. 93—George D. Cragin, appellant, agt. William S. Lovell, executor, etc.; appeal from the Circuit Court of the United States for the District of Louisiana. Decree affirmed with costs, and cause remanded to the Circuit Court for Eastern District of Louisiana, etc.

No. 97—The Board of Liquidation of the City Debt, appellant, agt. the Louisville and Nashville Railroad Company and others; appeal from the Circuit Court of the United States for the Eastern District of Louisiana. Decree affirmed with costs.

No. 7—The City of New-Orleans, appellant, agt. the New-Orleans, Mobile and Texas Railroad Company; appeal from the Circuit Court of the United States for District of Louisiana. Dismissed with costs and remanded.

No. 4—The County Court of Knox County and others, plaintiffs in error, agt. the United States ex rel. George W. Harshman; No. 80—The County Court of Knox County and others, plaintiffs in error, agt. the United States ex rel. Samuel C. Davis; No. 81—The County Court of Knox County and others, plaintiffs in error, agt. the United States ex rel. The Wells & French Company; No. 83—The Macon County Court and others, plaintiffs in error, agt. Alfred Hundekoper, relator; and No. 109—Thomas C. Baker, treasurer of Knox County, Mo., plaintiff in error, agt. the United States ex rel. Samuel C. Davis, each in error to the Circuit Court of the United States for the Eastern District of Missouri. Judgments affirmed with costs.

No. 31—Mary Bore and others, plaintiffs in error, agt. the County of Phillips, State of Arkansas; in error to the District Court of the United States for the Eastern District of Arkansas. Judgment affirmed with costs.

No. 77—The Town of Berlin, plaintiff in error, agt. John G. Metcalfe, administrator, etc.; in error to the Circuit Court of the United States for the Northern District of New-York. Affirmed with costs by a divided court.

No. 139—The Alabama Gold Life Insurance Company, plaintiff in error, agt. Mary Alice Nichols, in her own behalf and as guardian, etc.; in error to the Circuit Court of the United States for the Eastern District of Texas. Dismissed for the want of jurisdiction.

No. 214—William Ward and others, appellants, agt. George W. Berlin; appeal from Circuit Court of the United States for Western District of Virginia. Dismissed with costs.

No. 8—Original ex parte in the matter of Harriet G. Mead, executrix, etc., petitioner; petition for mandamus. Rule to show cause denied and petition dismissed.

No. 88—Nathaniel Wilson, administrator, etc., plaintiff in error, agt. Josephine C. Arrick, administratrix, etc. Motion to dismiss denied and new citation ordered.

No. 103—John A. Duahame and others, plaintiffs in error, agt. Joseph Benedict. Motion to dismiss submitted.

No. 104—Stephen Percy Ellis and others appellants, agt. Jefferson Davis. Argument concluded.

No. 107—Frederick Wolff, executrix, etc., appellant, agt. John Gerlach. Argued.

No. 110—The American File Company and others, appellants, agt. John W. Garrett and others.

No. 111—William F. Sayles and others, appellants agt. John W. Garrett and others.

No. 112—The Illinois Central Railroad Company, appellant, agt. Laura B. Turrill, administratrix, etc.; and No. 113—The Michigan Southern and Northern Indiana Railroad Company, appellant, agt. Laura B. Turrill, administratrix, etc. Passed.

COURT CALENDARS—NOVEMBER 13.

SUPREME COURT—CHAMBERS.—Before Donohue, J.—Nos. 37, 107, 108, 118, 132, 133, 134, 139, 142, 143, 203, 218, 222, 227, 234, 245, 257, 259, 268, 269, 271, 274, 281.

SUPREME COURT—SPECIAL TERM.—Before Larremore, J.—Nos. 347, 277, 187, 326, 182, 183, 195, 196, 221, 171, 159, 137, 142, 222, 38, 65, 104, 257, 242, 215, 253, 255, 258, 259, 260.

SUPREME COURT—CIRCUIT—PART I.—Before Dykman, J.—Nos. 866, 1069, 1543, 1562, 814, 1117, 1198, 1227, 1330, 796, 1162, 1265, 1312, 1363, 853, 855, 1135, 1295, 1365, 1368, 1370, 1377, 1382, 1386, 957, 987.

SUPREME COURT—CIRCUIT—PART II.—Before Barrett, J.—Nos. 638, 779, 2126, 279, 1233, 1057, 1143, 1278, 1019, 1137, 1007, 1091, 1074, 952, 692, 1135, 1189, 952, 1196, 381, 1148, 628, 1076, 1142, 578.

SUPREME COURT—CIRCUIT—PART III.—Before Van Vorst, J.—Case on. No calendar.

SURROGATE'S COURT.—Before Rollins, S.—Nos. 3, 7, 10.

SUPREME COURT—GENERAL TERM.—Before Brady, C. J., Freedman and Gildersleeve, JJ.—Nos. 1, 18, 19, 20, 21, Motions, Nos. 4, 9, 12, 19, 21, 24, 26, 31, 33, 34, 35, 36, 37, 38, 39.

SUPREME COURT—SPECIAL TERM.—Before Ingraham, J.—Nos. 73, 82, 5, 71, 12, 23, 24, 44, 50, 54, 57, 60, 61, 62, 63, 64, 65, 66, 78, 96, 97, 102, 107, 95, 93, 96, 8, 101.

SUPREME COURT—TRIAL TERM—PART I.—Before Truax, J.—571, 737, 568, 598, 505, 695, 564, 217, 1095, 1111, 1137, 1158, 1164, 1178, 1191, 1047, 1048, 896, 1204, 1206, 1043, 1044, 1179, 590.

COMMON PLEAS—GENERAL TERM.—Before Van Brunt, P. J., Daly and Van Hoesen, JJ.—Nos. 33, 43, 48, 53, 60, 110, 34, 56, 57, 58, 66, 65, 70, 71, 73, 76, 77, 79, 82.

COMMON PLEAS—SPECIAL TERM.—Before Ingraham, J.—Nos. 10, 13, 15, 16, 17, 18.

COMMON PLEAS—TRIAL TERM—PART I.—Before Daly, C. J.—Case on, Keller agt. Abraham. No calendar.

COLONEL BURNABY ON COMPETITIVE EXAMINATIONS.

From the London Telegraph.

Replying to the toast of "The Army" on Wednesday, at a Conservative banquet at Wednesbury, Colonel Burnaby observed that a long correspondence had recently been going on in London with reference to "Our Boys," and how to dispose of them." He considered that one of the difficulties in disposing of our boys was to be found in the first examinations for the Army, in the undue importance attached by Civil Service examiners to the dead languages, and in the many useless questions in English and geography which they expected a lad of seventeen to be able to answer. Young men who had been working with "remarkable" for months had, if unsuccessful, to return to their homes, after putting their parents to much expense, whilst the subjects they had been compelled to study for the competitive examination would, in many instances, be of no perfected use to them in any career which they might subsequently wish to pursue. As more marks were given to Latin and Greek than to French and German, the boys who wished to take high places were compelled to spend the greater part of their time in the study of dead languages. An examination to be really practical should comprise, besides modern languages, military history, geography, drawing, a knowledge of anatomy, the veterinary science, and engineering. Should a lad not obtain a commission he would then be able to earn for himself an independent living in English colonies; while should he be successful, he would be a far more efficient officer in time of war than a man who could translate Homer, Virgil, compose pretty Latin verses and scan four lines from the Hunch of Venison. It might be said, should such a system of examination be pursued our public schools would suffer. At the present moment their public schools were kept up far more in the interest of the masters than of the boys, and the sooner the men who taught Latin and Greek and received high salaries made way for others who could instruct in the modern languages, the better for the boys and the better for the community at large. A large sum was set aside each year toward the payment of the Civil Service Commissioners. It was time that an independent member of Parliament should take up the question and inquire whether four or five officers from the Staff College would not make better and more economical examiners than gentlemen who belonged to the Civil Commission, who set such frivolous questions as those to which he had called attention.

COLORED WAITERS IN CHICAGO.

From The Chicago Tribune.

"Colored men are the best waiters; they are waiters by nature, and are peculiarly adapted to servitude," said the proprietor of one of Chicago's most prominent hotels to a *Tribune* reporter. "Colored people are not ambitious, like Caucasians, and they are not always scheming and planning for better positions. No matter how incapable a white man may be for any other occupation he always considers that he is above being a waiter, is never content, does not take proper interest in his work, and is generally looking out for a better position. On the contrary, the colored man is satisfied—he has reached the height of his ambition when he has been employed at a first-class hotel and can wear a steel pen broadcloth coat and a white vest."

"Do they get good wages?"

"Head-waiters get from $60 to $75 a month; second waiters, $40; third waiters, $30; general waiters, $25; and captains get $2 a month extra. Board is included, but not lodging. A first-class head-waiter can always get $75 a month, which, with our excellent board, is almost equal to a bank clerkship. The first-class restaurants pay waiters $1 a day; and there is our greatest trouble; their hours are twelve or fourteen, while ours average ten, with very little to do during late supper hours. The colored waiter will come to the office and say that he wants to visit his sick mother in Cincinnati, or go to see his wife in St. Louis, and must quit. He prefers to tell this lie rather than the truth, yet he knows we do not believe it, and that if he really were to tell the truth we would suspect something else anyhow. If we discharge a colored waiter it does not affect him in the least. He will take it philosophically, really appear as if he were relieved, and in a few days will turn up at some of the other hotels as a waiter in all his assumed dignity. A white man will be indignant, then despondent, and perhaps not find a situation for a month, but the colored man always gets in somehow.

"No; they rarely go to second-class hotels or cheap restaurants," continued the race delineator. "Dignity is everything with them. The average African must be in a first-class hotel, where he can wear a white vest; otherwise he will act as chief bottle-washer in a barroom or work for a private family at much less wages than he could get in a second-class hotel or cheap restaurant. This he considers in a measure retirement from public life. And again the cheaper restaurants and hotels largely employ white labor, some of which is very cheap. White and black waiters cannot work together in a dining-room. It is something like an oil and water mixture. There is a feeling of superiority on one side, and while the blacks feel their inferiority as to white people they assert their equality in this instance. But separately the colored waiters are undoubtedly the best in the world, and really are the only people qualified for waiters."

BROCKWAY AND HIS COMPANIONS.

TAKEN BEFORE RECORDER SMYTH AND REMANDED—SOME FACTS ABOUT MARTIN.

Inspector Byrnes went to the office of Chief-Clerk Sparks, of the Court of Special Sessions, yesterday, having in charge William E. Brockway, Lewis Martin and Nathaniel B. Foster, who were arrested on Saturday on charges of forgery. Recorder Smyth, who issued the warrants as a committing magistrate, sat in Mr. Sparks's office. Inspector Byrnes led his prisoners to the railing and said: "Here are the three men for whom you issued warrants on Saturday. I should like to have them remanded." The Recorder remanded them till to-morrow. They did not appear much disturbed by their arrest.

Soon after the present lessee took possession of the St. James Hotel, Lewis Martin engaged the room there which he occupied until his arrest. He is well known to many of the sporting men and bookmakers about town, as he made his appearance in this city nearly two years ago, when he came on from California with the well-known "Baldwin lot" of race-horses. From that time to the present he has enjoyed the confidence and esteem of all who knew him, and a TRIBUNE reporter who yesterday conversed with many of his acquaintances found only one who admitted that he knew there was anything wrong in "Lew's" former career.

Mr. Conner, the lessee of the hotel, is in the West, but his manager said: "We have always looked on Martin as a particularly respectable man. Not only did his appearance, which was almost venerable, lend color to this supposition, but also the fact that he was visited by some of the best known business men in the city, who seemed to have a high opinion of him. Even the sporting men of his acquaintance were of the best order. Every night by nine or ten o'clock he was in bed and he continued these regular habits up to the time when he was arrested. He was not about the hotel much during the day, but generally dined here in the evening. I do not believe Brockway ever came to see him, or if so he must have carefully eluded my eyes, for I know the rascal well by sight and should have recognized him instantly. Altogether the matter was a complete surprise and I was aghast when the detective walked in a few days ago and, exhibiting a search-warrant, requested Martin's trunk to be handed over to him for examination. The poor old man arrived followed immediately."

Robert Catherit, a well-known racing man, said: "I was never more surprised than when I read this morning's papers. On Saturday one of the clerks at the St. James Hotel told me that Martin had been arrested, but I could form no idea of what the charge was. I have known him well since he came here from the West with Baldwin's horses and knew of him by report before then. He used to own a few horses of his own, but has not raced his own horses for some years. There is Lewis Martin who owns Orange Blossom and Grafton, but he is no relation. He is not a member of the New-York Jockey Club, for the sufficient reason that there is no such club. He may possibly have been a member of the American Jockey Club many years ago, but certainly he is not at present. I have always looked on him as a particularly honorable man, and the last one in the world to have been guilty of such a grave offence as he is charged with. He has been rather unfortunate in his ventures of late and I imagine that he has been led into this nefarious scheme by Brockway and the rest, who have used him as a tool. I can quite understand it, for he is of a soft, easy, pliable disposition."

Several other sporting men agreed in the main with Mr. Catherit, but one of them said that he had heard Martin had once "gone crooked" in some way, though he had never heard the particulars.

DAVIS AGAIN REMANDED.

HIS NARRATIVE OF FORMER EMBEZZLEMENTS—HE PROMISES A STATEMENT TO APPLETON & CO.

George Washington Davis, the manager of the subscription department of the publishing house of D. Appleton & Co., on account of whose arrest and arraignment upon a charge of embezzlement was Published in THE TRIBUNE a few days ago, has made the following statement, which shows that the present is not the only breach of trust committed by him: In 1857, then in his eighteenth year, he was engaged as clerk in the bookstore of G. G. Evans, of Philadelphia. Before he reached the age of nineteen he was virtually manager of the business, and, among other duties, he received and opened most of the mail and express packages, which often contained money in large sums. About the time he was induced by one Byrd to go into the house-building business as a means of speculation. Having little money of his own, Davis began to use the funds of his employer to carry on the speculation, intending to repay everything when the property was sold. He took in all about $30,000, but before his returns were sufficient to enable him to make any payments his embezzlement was discovered. Davis then confessed everything to Mr. Evans and turned over to him all the money he had, and decided him the property he had invested in, amounting to nearly enough to cover the sum stolen. Davis left the employ of Mr. Evans to accept an agency at Boston for D. Appleton & Co., the firm knowing at the time of his former troubles.

Davis has the reputation of being a quiet, plain, saving man, with no expensive habits, and it is thought the money recently stolen by him is in safe keeping, and can be produced at short notice. He was arraigned for the third time at the Jefferson Market Police Court yesterday, and for the third time remanded. He says he will prepare a statement for Messrs. Appleton, giving the exact amounts of his stealings with dates. He expects to complete the statement by Thursday, and the examination has been adjourned until that day.

TWO DARK OWNERS OF A DARK OVERCOAT.

A GLIMPSE OF LIFE IN A CRIMINAL COURT.

Joseph D. Tyler, a coffee-colored citizen, who plies a shoe-brush in the neighborhood of Eighth-ave. and Twenty-third-st., was a defendant yesterday in the Court of General Sessions before Judge Cowing. Gustavus B. Flint, of about the same complexion, had lost an overcoat and other clothing from his room at No. 158 West Seventeenth-st. on the night of October 23. Alexander Thompson, a white man, saw two men take a trunk out of the window of the room. Although the night was dark, Thompson recognized the men and was sure that Tyler was not one of them. Tyler was arrested and a pawn-ticket was found on him, but there was no evidence against him and he was discharged by Police Justice Patterson. Subsequently the police went to the pawn-shop and found that the ticket represented a dark colored overcoat, which the complainant said belonged to him. Tyler was again taken before the Police Justice and the complainant identified the coat by a hole which, he said, had been burned in it by a match, and he also recognized other marks on the coat. Yesterday the complainant gave the same testimony as to his ownership of the overcoat and Thompson testified that Tyler was not one of the burglars. The defendant, who acted, for a part of the trial as his own counsel, took the witness stand to testify in his own behalf. He said that the overcoat belonged to his wife's brother and had been given to him by his wife to pawn on the morning of October 23. He called attention to the fact that the pawn-ticket showed that the coat was pawned on that day, while the burglary did not take place until midnight. The defendant's wife was called on to prove the ownership of the overcoat. She said that it belonged to her brother, who had been away from the city for several months. She recognized it by several marks that had already been pointed out.

"Do you remember anything else about the coat?" asked Judge Cowing.

"Yes," said the witness, "I remember that I mended the right-hand pocket once."

The witness and Judge turned the overcoat over, and found the mended pocket. The spectators smiled, and the Judge advised the jury to acquit the prisoner, which they immediately did.

"It's a cold day," said Mr. Kintzing, who assisted the prisoner in his defence, "and I think the defendant had better take his coat."

The colored man threw his overcoat over his arm, said "Thank you," in a loud voice to the jury and walked toward the door. But the policeman who had obtained the overcoat from the pawnbroker to be used in evidence stopped Tyler when he had gone a few feet and took the overcoat away.

"Your Honor, am I not entitled to the overcoat?" said Tyler in a loud voice.

"It would be well to let him have the overcoat, at present at least," said Judge Cowing.

The late defendant took the overcoat from the policeman, again threw it over his arm, slung his hat on the back of his head and waved his hand exultingly as he walked out at the room.

The spectators laughed heartily while the puzzled policeman consulted Assistant District Attorney Brady as to how he should appease the pawnbroker when he asked for the coat or for the $2 for which it had been pawned.

OFFICIAL CROP REPORTS.

WASHINGTON, Nov. 12.—The November report of the Department of Agriculture gives the total yield per acre. In October the final report of "condition of corn which averaged 78" was interpreted to mean a product "close to sixteen hundred million bushels." The average yield per acre appears to be twenty-three and one-tenth bushels, one and a half bushels per acre lower than the yield of 1882. This gives a result practically identical with that of October. On the acreage reported in July, sixty-eight and three-tenth millions, the exact figures would be fifteen hundred and seventy-seven million bushels. In the revision of the season's returns this result will not be materially changed. The product will, therefore, be about forty million bushels short of the previous crop, notwithstanding the increase of area. This is the third in succession below an average yield, following six successive crops above an average yield, or twenty-six bushels per acre. The yields of the corn surplus states are as follows: Ohio, 28 bushels per acre; Indiana, 27; Illinois, 26; Iowa, 24.3; Missouri, 27.5; Kansas, 36.7; Nebraska, 36 bushels. The best quality and largest yields of the season are in the Missouri Valley. In the Middle States, New-York averages 22; New-Jersey, 28, and Pennsylvania, 28.5 bushels.

In the Southern States, Maryland averages 23.5 bushels; Virginia, 14; North Carolina, 12; South Carolina, 8; Georgia, 9; Florida, 8.5; Alabama, 11.5; Mississippi, 13.5; Louisiana, 14.2; Texas, 17.5; Tennessee, 20 bushels.

The quality of the crop in the crushed belt is good. The quantity reported is 20.8 bushels in Minnesota, 21.5 in Wisconsin, 23.5 in Michigan.

The potato crop is large, as heretofore reported, amounting to about one hundred and seventy-five million bushels.

THE REAL ESTATE CONTROVERSY.

WHY BROKERS AND OWNERS DISAGREED.

A LETTER OF EXPLANATION FROM ROBERT A. CHESEBROUGH—DEFENCE OF THE PRODUCE EXCHANGE SITE.

The rival movements for the establishment of real estate exchanges promise to give rise to more controversy than that which has already been noticed in THE TRIBUNE. Both committees—that of the real estate owners and that of the brokers—are pushing their respective schemes with vigor and each appears to be anxious to throw the responsibility of the failure to unite the two interests upon the other. With reference to the brokers' version given in *The Record and Guide* of Saturday Robert A. Chesebrough, one of the corporators of the Real Estate Exchange (limited), writes a letter to THE TRIBUNE, in which he says:

Every member of the committee of brokers knows that Messrs. Coudert and Chesebrough "bowed themselves out" of the committee, not because the brokers rejected the old Produce Exchange building as a site, but because the brokers positively declined to allow the question of site to be decided by a vote of the subscribers to the proposed fund and insisted upon deciding the question themselves.

After stating that in June last Messrs. Coudert and Chesebrough suggested the idea of a real estate exchange, the letter continues:

It was determined to confer with one or two of the leading brokers on the subject, and thereupon Mr. Chesebrough called on Mr. Ludlow. . . . Mr. Ludlow approved the scheme highly, as also the suggestion of Mr. Chesebrough that the old Produce Exchange building would be an excellent site, and urged Mr. Chesebrough to obtain the refusal of the building. Mr. R. V. Harnett was next approached, and it is sufficient to say that he indorsed both plan and site with enthusiasm. . . . The next step was to obtain the refusal of the old Produce Exchange at the best possible price, and toward this end Mr. Chesebrough worked long and industriously, and finally (although the proposition was twice rejected by the Produce Exchange) succeeded in obtaining an option of purchase at $825,000 within sixty days from September 7. Mr. Harnett, on being informed of the result, stated that in his opinion the property covered by the option would in five or six years be worth a million of dollars. Messrs. Coudert and Chesebrough thereupon began the preparation of the plans and papers necessary for the immediate organization of the proposed corporation, and while engaged in this work were surprised to learn that a meeting of brokers had been called suddenly by the Editor of *The Record* at his office, which was attended by both Messrs. Harnett and Ludlow, and at which Mr. Ludlow presided. . . . On being asked to explain, Mr. Ludlow said he had gone to the meeting impressed with the idea that Mr. Chesebrough was a party to it. Mr. Harnett said . . . that every member of the committee approved the selection of the old Produce Exchange as a site.

The letter states that Messrs. Chesebrough and Coudert finally decided to attend the meetings of the committee, having been added as members; that the brokers all changed their minds about the site; that Mr. Chesebrough gave up his site; that many sites were discussed, and finally an offer by Mr. Chesebrough to leave the question of site to a vote of the subscribers after organization, or to lump all the sites considered and let one be selected by a majority vote of the subscribers was rejected. Messrs. Coudert and Chesebrough then left the committee and incorporated the Real Estate Exchange (limited). The plans and object of this institution have been explained in THE TRIBUNE. Mr. Chesebrough in his letter next adds that in his judgment a real estate exchange, to be powerful, must represent the vast real estate ownership of New-York and be directed and governed by it, and not by "the small clique of brokers, who represent nothing but themselves, their own interests and petty jealousies." He adds:

One of the brokers' committee told me a few evenings since that they would have a rule of the Exchange that an owner of real estate would not be allowed to sell it excepting through a broker. Fancy such a rule, and such an Exchange! As well might the great insurance interests of New-York allow the insurance brokers to manage their business and make rules for their guidance.

In conclusion Mr. Chesebrough says:

One word about the old Produce Exchange. . . . In support of that abandoned preference and in justice to myself I may say that that site represents an entire block, the terminus of all the four elevated roads, of street cars, ferries and ferries, and therefore more accessible to five-sixths of the people who attend a real estate exchange than any site in this city. Added to this, the building was just suited to the purpose, was already built, could be occupied by March or April, and would cost $825,000, while any other site then proposed would, with the building, cost $600,000, require a year from next May to build, and a loss in interest of about $40,000. These are the facts which induced Mr. Coudert to advocate it after a thorough examination, and not because I held property in that vicinity, as insinuated by *The Record*.

ROBBERY ON A SLEEPING CAR.

A DECISION HOLDING THE COMPANY LIABLE FOR THE LOSS AFFIRMED.

PITTSBURG, Nov. 12.—In the Supreme Court this morning the judgment of the lower court was affirmed in the suit of Gardner against the Pullman Palace Car Company. Mr Gardner secured a verdict of $300, having been robbed while sleeping in one of the Pullman cars. The Supreme Court holds that upon the company, while it is liable in an action only as an inn-keeper or common carrier, a reasonable and proper degree of care is imposed. The object in taking passage in such cars is to permit a passenger to sleep. While in that helpless condition a duty rests on the company to exercise reasonable care and caution against the property of a passenger being stolen from the bed or from his clothes or person. The fact that another passenger on the same car was robbed the same night was admissable as bearing on the absence of proper care by the company.

FOUL PLAY IN FOOTBALL.

To the Editor of The Tribune:

SIR: Is it not worth while for THE TRIBUNE to read a lecture to college football players? It has been done before, in various terms, but it is a matter of "line upon line" where young men are concerned, and no paper could have more influence with them than THE TRIBUNE.

From whom have the lovers of athletic sports the right to expect gentlemanly conduct in contests in any line of sport unless from college men? Yet scarcely a game has been played in and about New-York this season but has been marked both by underhanded tricks and open brutality. I do not assert that a majority of the players are guilty, but they do not check it as they should. Fair-minded, honorable young gentlemen are not wanting, who, doing their best to win, win fairly or not at all, but such are often roused to rage by some shabby trick of an opponent of different quality. A team can be mentioned where, along with players that are always gentlemanly, is one, in a conspicuous position, who exerts himself to play every trick, small or great, by which the score of his side will be increased; and his associates, who would not stoop to his tricks, allow him to continue them, and no referee has yet ordered him off the field as they ought. More: college men assert that the principles on which one team plays are, first, to disable members of the opposing team when possible; and, secondly, that foul play is all right if the referee does not see it.

Not that all foul play is apparent to spectators. Any player will tell you that the so-called "vicious" appearing throws he makes are done with all the exertion of strength, just as his most vigorous efforts fall at other times. Often the players are the only ones who know when an unnecessarily hard throw is made, or one player takes pains to injure another, or makes false claims to referee and umpires, or cheats a few feet or inches in placing a ball; but enough is manifest to show the low, brutal, despicable spirit of some prominent players and their childish over-anxiety to win.

Only gentlemen will of their own accord play a gentleman's game; but others can be compelled or restrained; and what gentleman care to see his sacred interests, gained by methods he is ashamed to expl[illegible]

LOVER OF FOOTBALL.

New-York, Nov. 5, 1883.

HOW TO FALL ASLEEP.

From Chambers's Journal.

I had often noticed that when engaged in deep thought, particularly at night, there seemed to be something like a compression of the eyelids, the upper ones especially, and the eyes themselves were apparently turned upward, as if looking in that direction. This invariably occurred; and the moment that, by an effort, I arrested the course of thought, and freed the mind from the subject with which it was engaged, the eyes resumed their normal position and the compression of the lids ceased. Now it occurred to me one night that I would not allow the eyes to turn upward, but keep them determinedly in the opposite position, as if looking down; and having done so for a short time I found that the mind did not revert to the thoughts with which it had been occupied, and I soon fell asleep. I tried the plan again with the same result; and after an experience of two years, I can say that, unless when something specially annoying or worrying occurred, I have always been able to go to sleep very smartly after retiring to rest. There may occasionally be some difficulty in keeping the eyes in the position I have described, but a determined effort to do so is all that is required, and I am certain that if kept in the down-looking position it will be found that composure and s