# THE WIFE OF DR. DEEMS'S SON

## WHY SHE IS NOW SUING FOR A DIVORCE.

### SHE SAYS HER HUSBAND ABUSED HER AND HIS FAMILY GOT HER SERVICES FOR NOTHING.

The opium habit has destroyed the domestic felicity of Dr. Frank M. Deems and his wife, Mrs. Grace B. Deems, and she is suing for a divorce. The defendant is a son of the Rev. Dr. Charles F. Deems, of the Church of the Strangers. The plaintiff, who was Miss Brotherton, a school teacher at the time of marriage, December 18, 1878, was the daughter of a wealthy Cincinnati banker who lost nearly all his money through the dishonesty of an employe. In her complaint she says that for four years her husband's conduct has been such as to make it unsafe for her to live with him. She charges that he has been addicted to the habitual use of opium, morphine, cocaine and other narcotic drugs to such a degree as to deprive him of the use of his mental faculties and render him unfit to attend to business or care for himself. She says that he treated her cruelly, calling her "liar," "snake," "viper," "fiend," "devil," etc. They lived with the Rev. Dr. Deems at No. 429 West Twenty-second-st., and at various times her husband siezed and shook her, grasped her by the throat and threatened to kill her. Finally on November 20, 1886, she says she was expelled from the house by her father-in-law, the son having previously left it. She has a boy, age six, who is living with the Rev. Dr. Deems. She asks for a limited divorce and the custody of the child.

In the answer the allegations of cruelty and abandonment are denied. It is asserted that Mrs. Deems has refused to live with her husband and that she is addicted to the opium habit, while he has been entirely cured of it. He charges her with calling him vile names, declaring that she did not love him and saying to him that for a lifetime of devotion on his part she would not forgive him for the past. He is now living on Jersey City Heights. His age is forty-six and she is over ten years younger.

The case was before Judge Daly in the Court of Common Pleas, Special Term, yesterday on a motion made by Douglas Campbell in behalf of Mrs. Deems for an order giving her a counsel fee and alimony. Affidavits were presented in her behalf, setting forth in detail the statements in her complaint, and including letters which passed between her and her husband. On November 9, 1886, she wrote:

FRANK: Your father informed me yesterday that he had determined to give up his house and that I must seek quarters elsewhere. He also told me that he felt no responsibility for my support and in substance that I must provide for myself. This, of course, means turning me penniless into the street, as I have no parents or family, and as you have given me no money for years. . . . I have seen that my presence was unwelcome to your family since the time that my health prevented me from being of further service as an unpaid nurse. . . . I write now to ask if this notice has been given to me with your approval, and, if so, what provision you intend to make for the support of our child and myself.

In his reply the defendant said:

I will simply say that the wonder to me is that my dear good father should have supported us and forborne with us so long, when we should have been helping him in his declining years. He has never been under any obligation to us while we have been living on his generous liberality for years. [He then speaks about getting curse of his terrible malady.] As soon as I was certain I was cured a kind friend opened the way still further for me and my little family by offering me a pleasant home with other inducements. Him I sent to you to induce you to come to my home. You flatly refused not only to come but to even live with me as my wife.

The following are extracts from her reply to this letter:

It seems to me that your father, a minister of the Gospel, knowing your character, ought not to have allowed any girl to marry you without telling her what you were. He may have hoped to reform a son whom he loved, but had no right for this purpose to sacrifice an innocent life. . . . You say in your letter: "He has never been under any obligations to us, while we have been living on his generous liberality for years." I know that he has been under no obligation to you, but it is not correct to include me with you. . . . Getting me as your unpaid attendant under concealment of the truth as to your depravity, keeping you in idle and vicious habits, was he under no obligations to support me?

Philip Carpenter, counsel for the defendant, read an affidavit by the latter denying the allegations against him. In an affidavit by the Rev. Dr. Deems presented in opposition to the motion, he says that for months before November, 1886, it had been talked of in his family and in the plaintiff's hearing, that the house would be rented through the winter. In September his son went to live with Dr. A. L. Turner at No. 140 West Sixteenth-st. for treatment. Dr. Turner asked to give the plaintiff a home with the defendant at his house, and treat them both till they should be recovered, but she refused to go and refused to write encouraging letters to the defendant while he was there. For nearly three years she had been an inmate of his household and had drawn on his means to a greater extent than either of his daughters. Her leaving the house in November was simply the result of their intention to give up the house, which was rented. The statement that he turned her into the street and said he would not help her was false. Since she left he had sent her $5 a week and is supporting the child.

The Judge reserved his decision.

The plaintiff, since leaving the house of her father-in-law, has been teaching in the Wilson Mission. She was employed there before her marriage.

## GEN. M'LEER WANTS DAMAGES FOR LIBEL.

The trial of the suit brought by ex-Postmaster James McLeer to recover $50,000 as damages for libel from Joseph A. Joel, who formerly published "The Grand Army Gazette," was begun yesterday in the City Court in Brooklyn. The libellous matter complained of stated that General McLeer received an increase in his pension through fraud. General William W. Dudley, Commissioner of Pensions from June 29, 1881, to November 10, 1884, testified that he personally examined the papers in the case of General McLeer and granted the increase. There was a brief by Commissioner Bentley to the effect that he had refused the increase of the pension, and the witness expressed an opinion that General McLeer was entitled to the increase and would have received it if the papers had been examined. Those who testified to the physical condition of General McLeer were Charles B. Morton Colonel H. W. Michell, Henry Head, Colonel H. W. Debevoise, C. S. Morrill and Lucy E. Head. It was shown that he needed the care of another person for his wounded leg. The increase was allowed from June 4, 1874, Surgeon-General McCaul examined General McLeer on September 1, 1862, after his wound at the second battle of Bull Run, and found that his arm had been amputated and his leg would have been amputated also but he was too weak to endure the operation, and then it showed signs of improvement and was saved.

General McLeer was the only other witness examined. He gave in detail his army and hospital experience, and was closely cross-examined in regard to his physical condition and his application for an increased pension. He attributes his loss of the position of postmaster to the libel published by Joel. The complaint in the case was filed in August, 1882, but for various reasons it was not brought to trial. The case was adjourned until to-day.

## THE MATTERN-SAGE CASE REOPENED.

### SOME MISUNDERSTANDING AS TO WHICH OF TWO MEN IS THE PLAINTIFF'S COUNSEL.

The Mattern-Sage reference case was re-opened yesterday, with certain limitations as to the testimony to be brought out. There was a sitting before Granville P. Hawes that lasted four hours. W. W. Niles, the new counsel of Miss Mattern, read the affidavit of her old counsel, Mr. Van Vechten, on which the plea for a reopening was based. This referred to all the papers in the case having been abstracted from his office and stated that he had further documentary evidence and witnesses to bring forward. He described the nature of the new evidence, which comprised a document signed by Mr. Sage and witnesses in regard to his acquaintance and interviews with Miss Mattern.

Mr. Bennett, on behalf of Mr. Sage, said that the reopening was sought on an affidavit which began: "Deponent saith he had all the papers in the case abstracted from his office." What motive could there have been in abstracting them? Then the deponent called attention to the visits paid by Mr. Sage to the plaintiff. If they were creditable visits, why did he seek to have them in evidence? If not creditable what was the court to infer? "The fact is, he continued, "Mr. Van Vechten left the law school too soon, left his mother's apron string too soon. The only appropriate punishment for such an affidavit would be some motherly discipline across his mother's knee. Everybody knows that it is annoying to Mr. Sage and his family to have these proceedings in the paper from day to day. Is this the weapon they are using in making this motion?"

A long discussion followed, and at length the referee consented to reopen the case. 18, D. C. Van Bocken, an expert accountant, testified that he had carefully gone over the statement of account rendered by Mr. Sage, and he found that on June 15, 1881, instead of having a balance against her, the plaintiff had then $3,392 92 to her credit regardless of any interest accounts.

Then Miss Mattern's evidence in rebuttal was taken. It was to the effect that she met Mr. Sage before May 1, 1880. In the winter of 1879 she was speculating in stocks at No. 51 Exchange place, and called upon Mr. Sage with a letter of introduction from Nathaniel Niles. Miss Mattern's counsel slowly read over the testimony of Mr. Sage, and at long intervals asked a question upon it. At length he grew weary and wished an adjournment, but Mr. Bennett declared that the case must be closed that very night. Mr. Niles wanted to ask another question, and also to bring a witness in rebuttal of Mr. Sage's evidence of his having called on the plaintiff before the two visits already testified to. Then Mr. Van Vechten turned to a point of Mr. Sage's testimony that both counsel had overlooked, showing that such evidence was immaterial.

Mr. Niles: If it is true that my associate wants to mislead the court—

The Referee: Your associate wants to show the court the facts.

Mr. Van Vechten: I was retained as counsel to try the case for the plaintiff. I have tried it to the best of my ability. I believe all the testimony is now before the court and join with Mr. Bennett in asking the case to be closed.

Mr. Bennett (to Mr. Niles): Do you say you have a witness to prove a third visit of Mr. Sage to the plaintiff?

Mr. Niles: Yes, we will do just that.

Mr. Bennett: We will let you produce that witness.

Mr. Niles: I said I will, as at present advised.

Mr. Van Vechten objected, and said that he was counsel for the plaintiff in the case and he wished it closed. Then Miss Mattern addressed the court herself and said that she did not tell her counsel anything about a witness in regard to a visit in 1881.

Mr. Niles—I did not say 1881. I said prior to that year—long prior.

At length the case was adjourned until Thursday.

As the lawyers were leaving the room Mr. Van Vechten offered Miss Mattern her papers and Mr. Niles the copy of the testimony. It was a kind of challenge to her to select which should represent her. Tears sprang to her eyes, and she was beginning to expostulate, when Referee Hawes put an end to the affecting scene by inviting them to settle the matter in private.

## "TOM" GOULD GETS A RESPITE.

"Tom" Gould has for the time being escaped the Ludlow Street Jail. His counsel yesterday obtained a stay of proceedings in the contempt of court matter from Judge Barrett, and served it on the Sheriff. There will be a hearing at 11 a. m. to-day, at which the counsel for the prisoner will ask that the stay be made permanent. Gould states in his affidavit that when the injunction was served upon him the question as to what really constituted a theatrical performance was in much doubt and that the playing of music in his establishment was not a violation of law. For this reason he allowed the music. In conclusion he says that he is willing to furnish adequate security for his appearance to serve a term of imprisonment should the appeal be affirmed.

## UNITED STATES SUPREME COURT.

WASHINGTON, May 3.—In the United States Supreme Court to-day the following business was transacted:

No. 838—Quin Bohannan, plaintiff in error, agt. the State of Nebraska. Ordered to be advanced and assigned for argument on the second day of the next term.

No. 378—Lewis H Beeson and others, etc, plaintiff in error, agt. Henry Johns and others. Ordered that alias scire facias issue in this cause.

No. 576—Norman B Harwood and others, appellant, agt. Emil Dickerhoff and others. Appeal from the Circuit Court of the United States for the Northern District of Florida. Dismissed, clerk's costs in this court to be paid by the appellant.

No. 284—The St. Louis, Iron Mountain and Southern Railroad Company, plaintiff in error, agt. Benjamin B Knight and others. Argued by John F Dillon for the plaintiff in error, and submitted by Julius Rosenthal and A M Pence for the defendant in error.

No. 284—Lorenzo Bell and others, plaintiff in error, agt. the First National Bank of Kasson and others. Submitted by William McFadon for the plaintiff in error, and by Charles C Willson for defendant in error.

No. 285—Z N Estes and others, appellants, agt. S H Gunter and others. Submitted by Luke F Wright for the appellants, and by Edward Mayes, H M Sullivan and W V Sullivan for appellees.

No. 266—John A Topliffe, appellant, agt. Isaac N Topliffe. Argument begun by Henry S Sherman for appellant, and continued by W W Boynton and M D Leggett for appellee.

Adjourned.

## THE COURT OF APPEALS.

ALBANY, May 3.—In the Court of Appeals to-day the following decisions were handed down:

Ann Colyck, administratrix, respondent, agt. Sarah A Swinburne and others, administrators, appellant; William Butler, appellant, agt. James McGovern, respondent. Judgment affirmed with costs.

Mark L McDonald, respondent, agt. Erwin Davis, appellant. Eliza B Anderson, respondent, agt. the Continental Insurance Company of New-York, appellant. Judgment reversed, new trial granted, costs to abide the event.

In the matter of the estate of Robert Soutter, deceased; the Duchess D'Anzy, legatee, appellant, agt. Y H Porter, respondent. Order of General Term affirmed with costs.

Anastasia Butt, administratrix, respondent, agt. Francis Alexander and others, appellant; Benjamin Foster on behalf, etc, appellant, agt. the Indianapolis, Cincinnati and Lafayette Railroad Company and others, respondents. Appeal dismissed, with costs.

Isaac Unternmeyer and others, respondents, agt. Alfred J Reinhauer, appellant. Order reversed and motion denied with costs in both courts.

Thomas R. A. Hall and others, agt. John J. MacDonald and others, appellants, agt. Maurice Fitzgerald and others, respondents. In re petition of James Deeing, appellant, to vacate assessment; in re petition of Brown, appellant, to vacate assessment; in re application of James Moore, for mandamus appelants, agt. Edward V. Loew, Comptroller of New-York City, respondent. Order affirmed with costs.

No. 1,003—William Clark, executor, respondent, agt. George Clarke, implied appellant; 1,061—In matter of petition, Joshua H. Wadley, respondent, for leave to issue execution agt. Joseph H Davis and others, appellant; 1022—Claus F Hinck and others, respondents, agt. Adolph Dessar and others, appellant. Submitted.

These causes were argued:

No. 1030—Charles H Meade and others, respondents, agt. Walter C Tuckerman, appellant.

No. 1,054—In the matter of the application of L. E. Chittenden to compel payment by his attorney of money received by said attorney.

The following is the day calendar for Wednesday:

Nos. 382, 390, 391, 398, 401, 355, 187 and 377.

## CALENDARS TO-DAY.

SUPREME COURT CHAMBERS—Before Barrett, J.—Nos. 8, 16, 30, 40, 53, 56, 78, 79, 85, 93, 102, 103, 105, 111, 116, 117, 118, 119, 127, 128, 135, 146, 148, 158, 165, 173, 178, 185, 186, 189, 191, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211.

SUPREME COURT—GENERAL TERM—Before Van Brunt, P. J., Brady and Daniels, JJ.—Nos. 31, 88, 104, 107, 116, 125, 127, 132, 140, 141, 142, 144, 145, 149, 150, 152, 154, 155, 157, 158, 160, 163, 165, 166.

SUPREME COURT—SPECIAL TERM—PART I.—Before Patterson, J.—Nos. 1287, 1890, 1293, 1296, 1313, 1314, 1315, 1316, 1265, 1073, 299, 1069, 746, 1155, 1202, 1214, 126, 1077, 1231, 1210, 774, 1207, 1259, 1261, 1262.

SUPREME COURT—SPECIAL TERM—PART II.—Before Beach J.—Nos. 1010, 1329, 1330, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345.

SUPREME COURT—CIRCUIT—PART I.—Before Lawrence, J.—Nos. 4894, 3131, 3406, 3118, 2288, 1466, 3507, 3435, 3386, 3397, 3345, 393, 394, 396, 3353, 3370, 2788, 2789, 3419, 3450, 3441, 2590, 3339, 3484, 3447.

SUPREME COURT—CIRCUIT—PART II.—Before Andrews, J.—Nos. 5132, 3849, 3637, 4886, 3922, 3259, 3498, 3709, 3932, 5130, 3249, 3586, 3250, 3311, 3895, 3885, 4511, 4512, 569, 3644, 1988, 3926, 3819, 1005, 1004.

SUPREME COURT—CIRCUIT—PART III.—Before Donohue, J.—Nos. 722, 2194, 5092, 4326, 2943, 3658, 4166, 4284, 3155, 277, 4024, 4291, 4299, 4308, 4309, 4313, 2854, 5383, 4317, 5318, 4319, 4320, 4321, 4322, 4324, 4325, 4328, 4329, 4330, 4332, 4333, 4334, 4335, 4336, 4337, 4338, 4339, 4340, 4341, 4342, 4343, 4347, 4345, 4346, 4347, 4348, 4349, 4350, 4351, 4352, 4353, 4354, 4355.

SUPREME COURT—CIRCUIT—PART IV.—Before Ingraham, J.—Nos. 2929, 731½, 4275, 2287, 3785, 4008, 4016, 4010, 3605, 1134.

SURROGATE'S COURT—Before Rollins S.—No day calendar.

SUPERIOR COURT—TRIAL TERM—PART III.—Before Dugro, J.—No day calendar.

SUPERIOR COURT—TRIAL TERM—PART I.—Before Truax, J.—Nos. 1483, 1429, 1207, 1552, 1550, 509.

SUPERIOR COURT—TRIAL TERM—PART II—Before O'Gorman, J.—Nos. 1725, 871, 1242, 1068, 1560.

SUPERIOR COURT—TRIAL TERM—PART III.—Before Sedgwick, C. J.—Nos. 1620, 1752, 176, 1534, 1646, 1637.

SUPERIOR COURT—TRIAL TERM—PART IV.—Before Freedman, J.—Nos. 1549.

COMMON PLEAS—GENERAL TERM—Before Larremore, C. J. Allen and Bookstaver, JJ.—Nos. 11b, 11c, 12, 16, 17, 18, 30, 8, 32, 36, 43.

COMMON PLEAS—SPECIAL TERM—Before Daly, J.—No. 6.

COMMON PLEAS—TRIAL TERM—PART I.—Before Van Hoesen, J.—Nos. 1796, 2398, 2415, 2421, 2427, 2117, 1806, 1769, 1443, 2285, 2449, 2451, 2460, 2462, 2464, 2478, 2480, 2482, 2483, 2584, 2485, 2486, 2490, 2491, 2492.

COMMON PLEAS—TRIAL TERM—PART II.—Adjourned for the term.

CITY COURT—TRIAL TERM—PART I.—Before Nehrbas, J.—Nos. 2627, 1310, 1312, 551, 1198, 608, 1433, 1434, 1437, 1438, 1513, 1456, 1461, 1447, 2063, 690, 3076, 891, 3095, 1362, 1436, 2918, 3067.

CITY COURT—TRIAL TERM—PART II.—Before Ehrlich, J.—Nos. 1412, 1021, 3057, 993, 1164, 1024, 876, 797, 2701, 924, 367, 1023, 1028, 921, 1117.

CITY COURT—TRIAL TERM—PART III.—Before Hyatt, J.—Nos. 2518, 610, 2979, 1578, 1577, 1584, 1599, 1607, 1432, 1443, 1193, 127, 1603, 1943, 1640, 1647, 1648, 1650.

COURT OF OYER AND TERMINER—Before Van Brunt, Judge, and Assistant District-Attorneys Fitzgerald and Semple.—Adjourned until May 9.

COURT OF GENERAL SESSIONS—PART I.—Before Recorder Smyth and Assistant District-Attorney Purdy—Nos. 1 to 25 inclusive.

COURT OF GENERAL SESSIONS—PART II.—Before Judge Cowing and Assistant District-Attorney Fitzgerald.—Nos. 1 to 6 inclusive.

COURT OF GENERAL SESSIONS—PART III.—Before Gildersleeve, Judge, and Assistant District Attorney Davis.—(Field in Part III, Room of the Superior Court).—Adjourned until May 5.

## *GETTING RID OF QUEER OLD LUMBER.*

### CUSTOMS OFFICERS TO SELL ODD LOTS ON WHICH DUTY HAS NOT BEEN PAID.

There were collected in the Barge Office yesterday 1,093 packages, great and small and of various shapes, a part of which were sold at auction because the consignees either refused to pay the duties upon them, or failed to prove their ownership. The remainder will be sold to-day. Each of these packages had been appraised, and the values ranged from nothing up to $1,786 95. Of those marked "no value," there were seventy-five, which for some unexplained reason, in the year that they had been under Custom House supervision, had been emptied of their contents. Some of the officers undertake to explain this disappearance as due to the surroundings—dry atmosphere that causes a shrinkage of the coverings, so that the goods escape through the openings.

The collection was of a heterogeneous nature, coming from every quarter of the globe and including articles suitable for nearly every requirement in life. Outside of the seventy-five "empty" and "no value" packages there were rum, champaigne, wines, cordials confectionery, Italian chestnuts, wire, old clothes, old bags, silk and cotton hosiery, linen, underwear, laces, corsets, skirts, iron, steel, copper, tin, real and imitation jewelry, macaroni grown richer from age, sweetmeats, proprietary medicines, furs, etc. The third lot on the list was twelve boxes of confectionery, valued at $15, which were purchased probably for the Sandwich Islanders, as no civilized man would think of giving it to his "best girl." The next article was seven cases of confectionery, valued at $175, but the appraiser was probably not a candy eater. They sold for $35. No. 191½ was 35,739 gallons of "sugar pumpings" from the bilges of sugar vessels, valued at $1,786 95. It was bought for $1,496, probably to be sold in the Polish Hebrew quarter. A Japanese boat appraised at $100, which would be a high estimate for the finest barge a daimio ever had, was bought by a young man for $35. The ordinary Japanese boats are not worth more than $10, but this was a little better than ordinary and was fully equipped with sails, oars and steering apparatus.

Five cases of brandy attracted a spirited bidding from liquor dealers and private individuals who had had an opportunity and evidently knew what a superior quality of brandy was better than the Government official who tested it. The latter appraised it at 30 cents a bottle, but the purchaser thought it worth his bid of 82 cents a bottle, or $45 for the lot. A bundle of newspapers consigned to the "General Manager, Associated Press," was bid in for 25 cents. No. 177 "one cask, empty, contents decayed," was sold for 30 cents. A tin trunk of personal effects seized from the late Kenward Philip, of Morey letter fame, valued at $25, was bought in by his widow for $5 75. Two cases of theatre posters, which Miss Fanny Davenport concluded were not worth the duty upon the appraised value of $50, were sold to Mr. Mathias, a South-st. liquor dealer, for $4 50. A trunk, containing a silver water-filter and a lot of mock jewelry (the latter presumably intended for the heathen in Africa) owned by the Rev. Dr. Stewart, a missionary, was sold for $5. J. Cohen paid $2 for a "painting," which, after unrolling, proved to be a worn-out bit of canvas with a few colors daubed on it. Many of the articles were bought for much above the appraised value.

## *PREPARING FOR FALL RIFLE MATCHES.*

The National Rifle Association met yesterday and discussed the preparations for the annual fall meeting at Creedmoor. General Wingate presided. The secretary reported that $800 had been expended in repairing the old butts and erecting a new one. Steps were taken to make the pistol-shooting match a feature of the meeting. The movement to remove the range from Creedmoor to Staten Island has been laid to rest for the present, and to obviate the difficulty which was caused by the distance of Creedmoor from the city, it has been decided to give all New-York National Guardsmen who wish them free passes to Creedmoor at any time, and free ammunition for practice. On Monday the popularity of the new idea was first tested, and the number of men who took advantage of it speaks well for its success. Two new directors were elected to fill the vacancies made by the resignations of Lieutenant S. E. Allen and Lieutenant E. L. Zalinski, of the Fifth Artillery, U. S. A. Major H. C. Brown and Captain S. Henry Witthaus of the 9th Regiment, N. G. S. N. Y., are the new directors.

Benedict Brothers, the jewellers, have contributed a $50 silver watch for a prize in the fall meeting, as they have done for six years.

# STATEMENT FROM DR SMITH

## HIS ANSWER TO THE ATTACKS UPON HIM.

### EXPOSING MISREPRESENTATION AND MALICIOUS PERSECUTION.

*To the Editor of The Tribune.*

SIR: The persistent and outrageous attacks upon me of *The New-York Times* and its unscrupulous ring of rag importers have induced me to deviate from my usual course of patient endurance of the misrepresentations and slanders with which it has pursued me for a long time, and ask of you an opportunity for a statement of facts.

During the session of the Legislature in 1886 a summons was served upon me and published in full in *The New-York Times* for conspiracy with R. B. Bartlett & Co. in securing the disinfection of rags on the parks Vigilante, from Japan, and Battaglia, from Italy.

The object of the publication of the summons was well understood to be to secure an influence adverse to the Health Officer and his friends in the Legislature, and particularly the upper branch of it. For several months past his counsel endeavored to bring the case to trial; the plaintiffs as earnestly endeavoring to postpone it. On several occasions previous to the trial, which was commenced on April 18, parties who were avowedly in the interest of *The New-York Times*, through mutual friends suggested a compromise and dismissal of the pending suit. The reply to these suggestions was, that the "rag ring" and its allies have made the most of their opportunity in publishing the summons, and the gross misrepresentations based upon it, and that the plaintiffs must prove their allegations or dismiss the case as publicly as it had been commenced.

After a ten days' trial, and all the resources of this combination of politicians and rag importers had been exhausted in the attacks upon the official acts of the Health Officer, "to show at least an inference of corruption," the judge charges the jury that conspiracy had not been proved, and although the jury were allowed under direction of the court to infer conspiracy from subsequent acts and words of the Health Officer, it stood six to five for a verdict for the Health Officer. It was also conclusively proved that no one connected with the New-York Quarantine was in any manner interested in the disinfection of rags.

Every step taken, every measure adopted to allay public apprehension and protect the public against the dreaded disease which was ravaging the populations of Continental Europe in 1884 and 1885 was tortured by this combination and used upon the trial by their counsel with ingenious sophistry and unscrupulous misrepresentation to prove corrupt intent on the part of the Health Officer.

Three sets of attorneys were considered necessary to effect the desired result—one for the nominal plaintiff, one who is the attorney of *The New-York Times*, and one who was well able to excite the political prejudices of the jury.

In view of the expected invasion of cholera the secretary of the Conference of National Boards of Health, Dr. McCormick, of Kentucky, called a meeting of the executive committee of the conference at Washington, D. C., for August 7, 1884, and the committee issued a call for a conference of Boards of Health which met in Washington December 10 and 11 following, and was one of the greatest and most influential representative health organizations, State and municipal, that ever assembled in the United States. This conference considered long and earnestly the danger of an invasion of this country by cholera and the means of averting it, or, if it should obtain a lodgment, the measures necessary to limit or prevent its extension. The Secretary of State and the Secretary of the Treasury each invited a conference with a delegated committee of the conference to confer upon the danger and prevention of cholera from imported rags, in relation to which, at a Cabinet meeting held the day previous, a difference of opinion between the Secretaries had been expressed. The result of the meeting between the Secretaries and a committee of nine members appointed by the conference including delegates from widely separated parts of the United States, was a request by the Secretary of the Treasury that the committee should embody its views of the danger from imported rags and the measures necessary to prevent it.

The conclusions of the committee were submitted to the conference, and were unanimously approved by it and transmitted to the Secretary of the Treasury, signed by H. P. Walcott, chairman, and S. S. Herrick, secretary, of the committee.

The recommendations of the conference are almost identical with the circular issued by the secretary in the circular of December 22, 1884, and which has governed the Health Officer in his rules for the admission of rags at the port of New-York for two years past.

It has been persistently represented by *The New-York Times* and the "rag ring" that the Health Officer at New-York was the active agent of a corrupt combination in the conference at Washington. What the Health Officer did do, as his confreres on the committee will bear witness, was to impress upon the Secretary of the Treasury (McCulloch) the propriety and justice of allowing rags to be disinfected before shipment, under the supervision of an inspector to be appointed by the Government; and he has up to the present time admitted all rags accompanied by a certificate of disinfection from the inspector and certified to by the United States Consul at the port of shipment. Fifteen-sixteenths of the rags imported at this port in the past two years have been admitted with these certificates. A candid public need no other proof that the Health Officer has had no connection with the disinfection company at this port.

The combination of politicians and rag importers who have long known that the policy of the Health Officer was ruinous to any plan of disinfection at this port, nevertheless have pursued him hand-in-hand. Politicians of *The Times* stripe, with the hope of smirching him by the grossest misrepresentation, and with him gentlemen prominent in the Republican party—rag importers with the determination to resist and prevent the disinfection of their rags either before or after shipment—importers who know that the rags that they import cause more disease and death than all other products of human industry, that are imported into this or other countries, for authentic records from every country from which sanitary records are received attest this. And yet these importers would send their rags upon their errands of disease and death without a thought but of their gain.

The discussion of the subject of the importation of old rags at the Washington conference developed a strong belief that cholera was but one of the dangers from them, and that other contagious diseases, particularly smallpox, was frequently and widely distributed by old rags. Two illustrations of hundreds that are on record will emphasize this opinion.

The Massachusetts State Board of Health report for 1873, page 463, show that 192 cases of smallpox in the thirteen months preceeding had their source of "infection in rags."

In answer to inquiries made by Dr J. H. Raymond, the Health Commissioner of Brooklyn, nineteen boards of health had known of contagious diseases from rags—71 cases of smallpox and 24 epidemics of that disease therefrom.

Is there any other article of commerce with even this record, which is not the hundredth part of it, that would be tolerated by health and sanitary authorities?

In the summer of 1885 the apprehension that cholera, which was at that time numbering its victims in Spain by tens of thousands, would reach our country, as it had never failed to do in its previous invasions of Europe within a brief period after it had made a lodgment there, prevailed in all classes and found expression from every friend or acquaintance. The anxiety at this time of an official in the situation of the Health Officer at this port, of whom the public demanded such vigilance as would prevent the admission of the dreaded plague, can be better imagined than described. In the spring of 1885 the increasing anxiety and apprehension made a conference of the health authorities at or near the principal ports on the Northern Atlantic seaboard a necessity, to secure an expression of opinion in respect to matters in which a concurrence of opinion was desirable. This conference met in New-York City April 23, 1885. The time necessary for the detention of passengers after exposure to cholera, the agents considered efficient for the disinfection of ships, baggage, cargoes, including rags, were discussed, and agreed upon with entire unanimity. This action by the Health Officer has been tortured into an evidence of corrupt combination. Had he failed to take any interest in the health conferences of this period, he would have been roundly abused and properly by those who were dependent on him for protection from the contagious and infectious diseases that are liable to enter the port through its great highway from the sea. It has not served the purposes of this ring of politicians and rag importers to call before the public mind the measures of the Health Officer in 1883, when cholera was in Egypt, to secure the disinfection of rags from that country before shipment; this is too distant in time for their purpose.

"Dr. Smith's usefulness in his present position is absolutely destroyed," says *The New-York Times*. This conclusion must be arrived at because the political and rag importing ring that have pursued him with envenomed spleen have not been able to prove a single word or act that is not consistent with his official integrity.

Dr. Smith is not apprehensive that the commercial community whose burdens have been less in many respects during the past seven years than previously—whose West India trade alone has been emancipated from an expense of tens of thousands of dollars annually, as it has not hitherto been in the history of the port, will not trust the integrity which has never been impeached or questioned during his administration until *The New-York Times* and its ring of rag importers undertook the task. Very respectfully,

WILLIAM M. SMITH, Health Officer of the Port.

Health Officer's Department, State of New-York. *Quarantine, S. I.*, May 3, 1887.

## *"LOHENGRIN" IN PARIS.*

*French letter to The Chicago Tribune.*

There is almost no topic that more engages public opinion that the rapidly-approaching performance of "Lohengrin." It is now thirty-seven years since "Lohengrin" was written. In that time it has been played in every European capital except Paris. Nay, it has been given in almost every city of importance in the world outside of France. In view of the fact that its performance here is now at last assured, the editor of "Le Gaulois" has been getting expressions of opinion on it from all the leading French musicians; that is, from all who would give them. M. Gounod gave a long chat on the subject, but carefully avoided committing himself on either side. He is very cautious, is M. Gounod. M. Ambroise Thomas is also cautious and declined to say a word. It is known, however, that he greatly admires the works of Wagner and deplores French enmity to them. M. Saint-Saens has had much trouble over the matter already and was afraid of more, so he too declined to say anything. M. Delibes, who since the production of "Lakme" ranks as the peer of any living composer, was more bold. "It is none of my business," he said, "but I will say this, that the opposition to Wagner's works is a disgrace to Paris. It is absurd. He writes us down as a pack of fools." M. Henri Rochefort is not a composer. He is not commonly ranked as a musical critic. Yet this wild Radical firebrand is one of the most able and cultured critics in favor of "Lohengrin." "Italy," he says, "has been as unfriendly to us as Germany; more, when we consider the favors we have done her. Then why not oppose Italian operas and singers? If we cannot tolerate German music, why tolerate Italian fine arts? If 'Lohengrin' is to be mobbed, let us also go to the Louvre and burn Raphael's paintings and smash Michael Angelo's sculptures. And then let us write it down that we are a set of fools!"

## *SMITH PREPARING FOR DEATH.*

### HIS LAST HOPE GONE—THE GALLOWS TO BE PUT UP TO-DAY.

When Peter Smith, who is to be hanged to-morrow, awoke yesterday morning in the Tombs, he found that the deputy sheriffs who had been keeping the death watch on him had removed the clothes that he had been wearing, and in their place was a new suit of black cloth, and new underclothing. These had been prepared for him and sent down during the night by Under Sheriff Sexton. The coat was a cutaway.

"Well, I suppose it's all up with me," said Smith.

Deputy Sheriff Fitzgerald told him that his last hope of life had been brushed away, as the Governor had refused to interfere in his behalf. The condemned man took the news calmly. He passed his hand across his forehead and said:

"Well, I have got to be resigned. I will try to die like a man."

At 7:30 Under Sheriff Sexton arrived at the Tombs and read to Smith a letter from Governor Hill's private secretary, informing him of the Governor's refusal to interfere. Smith was then transferred from Cell No. 6 in Murderers' Row, so long occupied by him, to the hospital cell in the opposite end of the corridor. This is the first step to the gallows. The hospital cell is large and airy, and the deputies sit in the same cell with the murderer. Smith, for the first time since May 13, 1885, when he entered the Tombs, began to prepare for death. He conversed with Father Dominquez, of St. Francis Xavier's Church, for a long time and spent some time with the two Sisters of Charity who visit the Tombs every day. He was taken out for a while to walk in the prison-yard. While in the yard, without his being aware of it, he was closely scrutinized by a short stout man with smiling features, who carefully estimated his weight. This was George Isaacs, the hangman. After dinner Smith was visited by his two brothers and sister, and a young woman from East New-York, who he said was his cousin. The latter did not know that the Governor had taken away Smith's last hope, and she tried to cheer him up by telling him she was certain that Governor Hill would save him. Smith said that he did not have the heart to undeceive her, and that he would write her the real truth after she had gone.

Father Duranquet will hold a mass at 7:30 this morning for the murderer's soul; also mass will be said early to-morrow morning before Smith goes to the gallows. The gallows will be taken from the dingy old garret of the Tombs this afternoon and erected in the prison-yard. Smith's will be the thirty-eighth hanging that has taken place at the Tombs since 1850. Under the new law only the Sheriff, twelve citizens as a jury, seven deputy sheriffs, two clergymen and two physicians will be permitted to see the hanging. The Sheriff up to yesterday had received over 500 applications from physicians desiring to be present.

At the request of the counsel for Alexander Sweeney, who is awaiting his second trial charged with aiding Smith in the murder of Watchman Hannan, Smith last evening made an affidavit declaring Sweeney guiltless of the crime.

## *TWO MEN TRY TO JUMP FROM THE BRIDGE.*

### "A DOUBLE-ACT" ATTEMPTED—STOPPED BY WATCHFUL POLICEMEN.

The recent feat of de Freitas, who in jumping from the Brooklyn Bridge turned two complete somersaults and then struck the water head first, has created a lively demand in dime museum circles for startling innovations in bridge-jumping. Chester Lloyd, age twenty, of No. 92 Hudson-ave., and Cornelius O'Leary, age twenty-three, of No. 74 Fulton-st., Brooklyn, conceived the brilliant idea yesterday that they could supply this demand in a measure, at least, by "doubling up in the jumping act" as the variety actors would express it. Before carrying out this brilliant conception, however, they proceeded to fortify themselves against any temptation to recede from their purpose, and when they walked out on the Bridge from the Brooklyn entrance they were in a bad state of intoxication. When they had passed the Brooklyn tower they hastily climbed down to the south roadway and started toward the centre of the Bridge, thus avoiding the officers at the tower. A boy who was lying on a truck and heard Lloyd say, "This would be a first-class place for us to jump," warned Officer Thompson of the men's intention. The officer ran after them and was about to seize Lloyd, who had taken off his coat and was going toward the railing, when O'Leary caught hold of him and tried to keep him from interfering with Lloyd. In the meantime Lloyd had reached the railing and was climbing over it, when he was seized by Officer Davis, who, noticing the actions of the men, had run down from the centre of the Bridge. The two men were taken to the Bridge Police Station in Brooklyn and locked up. They both disclaimed any intention of jumping from the Bridge and said that they only wanted to have a little fun.

The occurrence attracted a large crowd, which gave rise to all sorts of rumors. Almost at the same time a man fell from a rowboat which was passing under the Bridge. He was soon pulled into the boat again and this circumstance, which was witnessed by many persons together with the arrest of Lloyd and O'Leary, started the report that a man had jumped from the Bridge.

## *BADLY PUMMELLED BY A POLICEMAN.*

### SUPERINTENDENT MURRAY'S COMPLAINT AGAINST THE OFFICER—MR. M'CLAVE'S REMARK.

James E. Duffy, of No. 1,569 Fourth-ave., who was clubbed by Policeman John O'Brien, of Captain Gunner's squad on Sunday night, went to Police Headquarters yesterday and made a complaint to Superintendent Murray. The young man's face was much swollen and discolored. His right eye and the top of his head were concealed by bandages, but they were said to have been cut badly by the policeman's club. He was weak from pain and loss of blood, and his mother was with him to see that he did not faint. Duffy said he was walking along Third-ave. with his friend Francis Corson on Sunday night, and was playing an accordion softly. When he caught sight of Policeman O'Brien, who was standing in the shadow of an elevated railroad pillar, he stopped playing on the instrument. O'Brien rushed at him, exclaiming:

"You blank blank, don't you know it's against the law to play in the streets on Sunday?" The policeman raised his long night-stick and with one blow broke the accordion into fragments.

"Yes, I know, but you needn't smash my property," said Duffy.

"Blank blank you, I'll break you too," said O'Brien, and he struck Duffy on the jaw with his club. "Now go along about your business," he added. Duffy and his friend went along, but O'Brien followed them up and knocked Duffy down with a blow on the back of his head.

"For God's sake, don't kill me, O'Brien,"