

A DIPLOMAT'S WIFE SUEED.

INNOCENT SALE OF PROPERTY BELONGING TO BROTHER'S CHILDREN BRINGS LITIGATION.

Madeline Austin Lee, wife of Henry Austin Lee, secretary of the British Embassy at Paris, is being sued by George L. Felt, the builder, for the recovery of \$3,750, which he alleges is due him from a transaction growing out of the purchase of the property No. 146 West Forty-seventh-st.

The interesting point in the suit is that both Mrs. Lee and her brother, Warren De Wolf Smith, who is also concerned in the transaction, innocently sold a portion of the property belonging to a niece and nephew of whose existence at that time they knew nothing, according to their counsel. These children of Mrs. Lee's brother, Frank De Wolf, who died in 1886, together owned a third interest in the city block sold by Mrs. Lee and Warren De Wolf Smith to Mr. Felt for \$25,000, over which sum each assumed an ownership of \$11,250. Their ignorance of existence of their brother's children is accounted for by their attorneys, who say that Mrs. Lee and Warren De Wolf Smith had not seen and had rarely heard from their brother since his marriage.

The story of the transaction as told by William B. Stockwell, attorney, at No. 146 Broadway, through whom the complaint was brought, is as follows: "In April, 1901," said Mr. Stockwell yesterday, "Mrs. Lee conveyed a half interest in a piece of real estate at No. 148 West Forty-seventh-st. to Anna M. Sommerville for one-half of \$25,000, her brother, Warren De Wolf Smith, an insurance broker, at No. 76 Pine-st., conveying the other half for the same amount. Both sister and brother, in passing title, said that they were the sole remaindermen of their father, B. Frank Smith, formerly a real estate and insurance broker at No. 74 Pine-st. Later it developed that Mrs. Lee and her brother, Warren, each owned only a third interest in the estate of their father instead of a half interest, that Grace B. and Philip De Wolf, children of Frank De Wolf Smith, the deceased brother, an opera singer, who had his name changed to Frank De Wolf, were the owners of the remaining third interest in the property.

In August, 1901, the children, through Charles B. Linderer, their attorney, began a partition suit against Mr. Felt, who was about to erect an apartment house on the Forty-seventh-st. property and its adjoining lot. Acknowledging the claim of the children, Mr. Felt bought out their interest for \$100. After proceedings were heard in the Supreme Court to establish their title conveyance was made. The present action was brought by Mr. Felt against Mrs. Lee to recover \$3,750, the difference between one-third and one-half of the purchase price of \$25,000. About \$2,500 of her share of the proceeds of the sale were paid to her attorneys, Goeller, Schaffer & Eisler, No. 207 Broadway. An attempt was made to attach this money, but counsel for Mrs. Lee declared at that time that the difference was not in the possession of her money. Plaintiff then took out an order for Mr. Goeller's examination. The latter appeared, and the matter is pending in the Appellate Division of the Supreme Court.

"Warren De Wolf Smith is now paying back his share of the proceeds of the sale, and consequently, no suit was brought against him."

Bela D. Eisler, of Goeller, Schaffer & Eisler, counsel for defendant, said yesterday that Mrs. Lee had no knowledge of the existence of a niece and nephew at the time the sale was made. He excused himself from taking further action against herman A. Heyat, counsel for Warren De Wolf Smith, who confirmed what Mr. Eisler said concerning the innocence of Mrs. Lee and of his client in selling the property without considering the claims of their brother's children.

HOSPITAL ANNEX DEDICATED.

RANDOLPH GUGGENHEIMER PRAISES GERMAN-AMERICANS FOR THEIR ENLARGED INSTITUTION.

The annex to the German Hospital, which now extends along Seventy-seventh-st. from Lexington to Park-ave., with additions to the old portion, was formally dedicated yesterday, August Zinsser turning the keys over to the trustees. Mr. Zinsser was chairman of the building committee. The new annex, which is of the most modern hospital construction, is five stories high, fronting 80 feet in Seventy-seventh-st. and 45 feet in Lexington-ave. It is to be devoted entirely to the reception of private patients. A one-story addition to the old hospital is to be used as a ward for charity patients. The rest of the old building, after remodelling, will be used entirely for free patients. The hospital as it stands now is looked on as one of the most complete in the city.

The whole building was open for inspection yesterday, the formal dedication ceremonies being held in the assembly room at 4 o'clock. Randolph Guggenheimer, on behalf of the city, made an address in which he thanked the trustees for the hospital as an addition to the city's resources for caring for the sick. Carl Schurz made a speech on behalf of the trustees, while Dr. C. Killiam and Dr. Abram Jacoby represented the medical staff. Edward Benneche spoke as the representative of the building committee. Bird S. Coler was present. In his address Mr. Guggenheimer said in part: "The history of this hospital and its associated dispensary challenges the admiration of all the people in this city who are acquainted with the value of the work which is accomplished by such institutions. I rejoice to know that, although it has been practically erected and is now supported by German-Americans, its wards are open for the relief of all who suffer, without any distinction of race or creed. The noblest thing that can be done is to be performed in that which is accomplished in the sacred name of humanity by the noblest of our surgeons and nurses. The record established by this institution reflects the very highest credit upon the German-American citizens of this city. The German-American citizens of this city, who have established a standard of public service which cannot be surpassed. In the name of the city of New-York, which honors to the highest degree this occasion, I congratulate my fellow German-American citizens on the public spirit which has, by this magnificent addition to the German Hospital and Dispensary, increased the facilities of the institution, and upon their devotion, as strong to-day as it has been in their historic past, to the cause of suffering humanity."

NEW WITNESS FOR MRS. DALE.

MAN FOUND WHO WILL CORROBORATE HER STATEMENT AS TO THE CHILD'S TAKING THE POISON.

Joseph M. Noonan, associate counsel with Russ & Heppenhimer in the defence of Mrs. Elizabeth Howe-Dale, who is under arrest in Hoboken, charged with murdering her five-year-old daughter, Emeline, made an announcement yesterday of an important witness that will be used at the trial. In one Mrs. Dale is indicted by the grand jury. The name of the witness is E. Billings. He lives in Boston, and on the night of November 8 occupied room No. 24 in Busch's Hotel, next to the room of Mrs. Dale. She wrote to Mr. Noonan, telling him that she heard Mrs. Dale in the course of the night talking to the child, and repeated some of the conversation, which will be favorable to Mrs. Dale in her contention that the child took the strychnine pills by mistake for candy, and he will be summoned as a witness. Mr. Billings says he heard Mrs. Dale say: "Did you take any of mamma's pills?" and other things that would point to the fact that Mrs. Dale was trying to learn what was the matter with the child. Soon after this he heard the call for the doctor. Coroner William N. Parslow yesterday placed fourteen subpoenas in the hands of James J. Farrell for witnesses for the inquest, which will be held at Coyle's Hall, Hoboken, to-morrow night. The subpoena for Mrs. Dale was served on her at St. Mary's Hospital, where she has been since she collapsed in the Recorder's court over two weeks ago. Albert Waller's subpoena was placed in the hands of his counsel, who promised to produce him two weeks ago when he was discharged without bail. Everything is now in readiness for the inquest.

PHILBIN AFTER WALLACE.

THE DISTRICT ATTORNEY INVESTIGATING CHARGES THAT BUILDING LAW VIOLATIONS HAVE BEEN AWINKED AT.

The recent controversy between Buildings Commissioner Wallace and a number of architects and builders has finally been taken into the courts. Incidentally, District Attorney Philbin has promised to investigate alleged misconduct on the part of the Commissioner. On the application of Frank T. Noble, a taxpayer, Justice Beach in the Supreme Court yesterday issued an order directing Commissioner Wallace to appear before him and show cause why a peremptory writ of mandamus should not issue to compel him to carry out the provisions of Section 105 of the Building Code. The order is returnable on December 11. The order further directs Commissioner Wallace to show cause why action should not be taken to prevent further violations of the law in the construction of the building at the southeast corner of Broadway and Maiden Lane. The petitioner further asks that the owners of the building in question be compelled to comply with the law.

While Mr. Noble appears as the petitioner, he represents a large number of architects and builders who are dissatisfied with the manner in which things are conducted in the Buildings Department. In his petition for the writ Mr. Noble says that he is interested in the outcome of the matter embraced in the petition. He then says that James G. Wallace, under the provisions of the greater New-York charter, was duly appointed a commissioner of buildings, with administrative jurisdiction in the Boroughs of Manhattan and The Bronx. Mr. Noble cites Section 105 of the Building Code, which provides that when the height of a fireproof building exceeds twelve stories, or more than 150 feet, all outside window frames and sash shall be of metal or of wood covered with metal, and that the inside window frames and sash, doors, and other interior finish may be of wood, covered with metal, or of wood treated by some process approved by the Board of Buildings, to render the same fireproof. Mr. Noble asserts that this section has never been enforced, and that the building at Broadway and Maiden Lane is being constructed in absolute violation of its provisions. The petitioner asserts that Commissioner Wallace was properly informed of the alleged violations of the law, but that he has failed to act.

Several days ago District Attorney Philbin wrote a letter to Commissioner Wallace, informing him that if the alleged violations were going on they should be stopped at once. In return Commissioner Wallace inclosed a report of an inspector in his department to the effect that no violation existed. Mr. Philbin is awaiting the report of an investigation he has set on foot, and if the evidence warrants it he will place the case before the grand jury. Commissioner Wallace of Brooklyn, declared that he had not voted in favor of the plans for the building in question, and an investigation of the record shows that he did not. Mayer & Gilbert, attorneys for Mr. Noble, promise a sensation when the case comes up for argument. Mr. Mayer was formerly counsel for the Buildings Department.

TERMINAL BILL MAY BE VOID.

ALLEGED UNCONSTITUTIONALITY OF THE STATUTE FOR INCREASING FACILITIES AT THIS END OF THE BRIDGE.

An alleged defect has been discovered in the McCarran bill authorizing the changing of the Manhattan terminal of the Brooklyn Bridge. On account of this the act is believed by the Board of Estimate to be unconstitutional. The State Constitution provides: "No private or local bill which may be passed by the legislature shall embrace more than one subject, and that shall be expressed in the title." The bridge terminal bill apparently embraces two distinct features, namely, one for the extension of the terminal facilities, the other for a franchise for the elevated roads, which may be limited to terminal facilities at the City Hall station or may go to Harlem over a new route. In view of the probable defect in the law, it is believed that Controller Coier will advise that no action be taken in the Board of Estimate on the terminal plans.

MOUNT VERNON'S GIRL BURGLAR.

BELIEVED TO BE THE LEADER OF A BAND OF FEMALE ROBBERS.

Mary Elizabeth Thompson, the seventeen-year-old girl burglar who is locked up in the Mount Vernon police station charged with a score of robberies, the police believe is the leader of a gang of female burglars who are directed by a "fence" in this city. Yesterday detectives began an investigation which they believe will unearth a "fence" in this city where the burglars in skirts dispose of their plunder. Mary, who is a Creole and small for her age, was arraigned before Judge Bennett and remanded for trial until to-morrow. She will be held for the grand jury on the specific charge of looting the house of Mrs. Samuel Hettlinger at New-Rochelle. All of the booty was found in her possession. Mary, who was traced by the imprints of her French heeled shoes, which were found around the house she plundered, said: "I didn't steal anything. The things were given to me."

AN ARAB WAIF IN PARIS.

A little Arab boy, from Bethlehem of Judea, has been found wandering destitute in the streets of Paris. He is only fifteen years of age, and has passed through some strange adventures in search of his father, who left Bethlehem to seek his fortune in Paris a long time ago, and has not since been heard of. The lad managed to get down to the coast and got engaged as cabin boy on a ship bound for France. On landing he proceeded to beg his way to Paris, where he has been found by the police, and starting on a quest on the Boulevard Menilmontant. This young Bethlehemite had no notion, of course, what Paris was like. It is not so easily found. The police are taking care of this homeless wanderer from the Holy Land.

TO DISCUSS "THE CITY BEAUTIFUL."

The Get Together Club will give a dinner at the Pouch Gazette, No. 34 Clinton-ave., Brooklyn, on December 16. This will be followed by a discussion of the subject of which is to be "The City Beautiful." The speakers will be Frederick S. Lamb, of the National Arts Club; Henry Sanger Snow, president of the Polytechnic Institute; Professor A. D. F. Hamlin, of Columbia University; John De Witt Warner, president of the Municipal Art Society; Nelson E. Lewis and Dean Alvord.

B. Altman & Co. Enumerate the following as an assistance to those considering appropriate HOLIDAY GIFTS.

- MEN'S FURNISHINGS. — Neckwear, Imported Mufflers, Full Dress Shields, Silver Mounted Suspenders, Silk Pajamas and Night Robes, House and Lounging Robes, Smoking Jackets, Rain Coats, etc.
LEATHER GOODS. — Traveling Bags, with or without fittings, Silver Mounted Chatelaine Bags, Wrist Bags, Dressing and Suit Cases, Collar and Cuff Boxes, Writing Portfolios and Letter Cases.
JEWELRY. — Tortoise Shell Combs — gold mounted, Neck Chains and Pendants, Signet Rings, Lorgnettes, Brooches, Barrettes, Bracelets, Muff Chains, Necklaces, Miniature Buckles, Opera Glass Bags, Real Lace Fans, Cigarette Cases and Match Boxes in Gun Metal and Sterling Silver.
SILVERWARE. — Sterling Silver Mirrors, Hat Brushes, Jewel Cases, Perfume Bottles, Manicure Sets, Pen Racks, Pocket Flasks, Cigar Jars and Loving Cups, Sterling Silver Mounted Cut Glass, also a choice collection of large pieces in Sterling Silver of unique designs.
NECKWEAR. — Feather Boas, Novelty Ruff and Muff Sets, Real Lace Collars, Fancy Chiffon and Lace Fichus, Spanish Lace Scarfs, Fancy Stocks, Yokes and Fronts, Liberty Silk Scarfs and Squares.
TOILET ARTICLES. — Japanese Brush Trays and Hair Receivers, Celluloid Sets, Military Brushes in assorted woods, Triplicate Mirrors, Extracts, Toilet Waters, Sachets, Manicure Sets, etc.
NECKWEAR. — Feather Boas, Novelty Ruff and Muff Sets, Real Lace Collars, Fancy Chiffon and Lace Fichus, Spanish Lace Scarfs, Fancy Stocks, Yokes and Fronts, Liberty Silk Scarfs and Squares.
Gloves, Canes, Umbrellas, Riding Crops.

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Perhaps the most "fetching" and best selling of all fur garments this season is the short seal jacket with tight-fitting back, or the popular tight-fitting back with blouse front. This is a garment that we are selling rapidly, and it deserves its popular success. Nothing like this season's variety has heretofore been attempted in a collection of the long Boas and Muffs that fashion now demands. Long Boas of Ermine, Imperial Crown Russian Sable, Hudson Bay Sable, Mink, Bear, Isabella Fox, Sable Fox, Silver and Black Fox, Blue, Black and Natural Lynx.

Our exhibit of small Furs, suitable for holiday presents, commands attention. It is superb in richness, variety and extent. Short Jackets, Neckpieces, long Boas, Muffs in all the fashionable furs, and a large line of Children's Furs.

Robes, Gloves, Rugs, Carriage Furs, Gentlemen's Fur Garments.

And everything that goes to make a full and complete variety is shown in our collection, and all articles are priced strictly on a manufacturer's basis of cost.

449 Broadway, Near Grand St.

MAD DOG IN BLOOMFIELD.

IT BITES TWO PEOPLE AND SEVERAL CANINES BEFORE IT IS KILLED.

Bloomfield, N. J., Dec. 7.—Great excitement was caused by a dog which ran wildly through the business portion of the town this afternoon. The streets were crowded with women and children, and when the dog made its appearance they dodged into doorways and other places of safety. The animal bit several other dogs, and then dashed at Frank Smith, an employe of the Lackawanna Railroad, and bit him on the leg. Smith ran to a nearby drug store, where the wound was cauterized. Charles Green, a twelve-year-old boy, was next attacked by the dog, and was bitten on the hip. William H. Hill, a young man, was next attacked, but escaped being bitten. He kicked the animal in the side, and sent it rolling into the gutter. Patrolman Charles Dunning appeared at that moment and shot the animal five times before he killed it. The dog is believed to have been mad.

CHICAGO EDITORS DISCHARGED.

JUDGE DUNNE DECLARES THEY WERE NOT GUILTY OF CONTEMPT.

Chicago, Dec. 7.—Andrew M. Lawrence, managing editor of "The Chicago American," and H. S. Canfield, of the staff of that paper, who were sentenced recently by Judge Haney to forty and thirty days, respectively, in the county jail for contempt of court, were discharged from custody by Judge Dunne to-day. In granting a writ of habeas corpus to the reporters the court said that the case hinged on whether the case on which "The Chicago American" commented had been disposed of by Judge Haney or was still pending.

Judge Dunne held that the case in question had been finally disposed of by Judge Haney when he ordered the clerk not to enter the order when the copy of the decision was printed and published, therefore, does not show that the case was still pending. The act of entering the order on the record was merely a ministerial act, Judge Dunne said.

Judge Dunne admitted that the articles and cartoon to which Judge Haney objected were clearly calculated to intimidate and coerce the court, but the court not already rendered its decision. Judge Dunne admitted that the cartoon in evidence was probably libellous, and the articles possible so. Harsh criticism, Judge Dunne remarked, is one of the incidents and burdens of public life. "I see no reason," he said, "why a judge should be offered a different remedy for attacks in the public prints than a President, or a Governor, or a Congressman. Criticism of a public official, if just, will do good; if unjust, will do harm."

In concluding the case Judge Dunne clearly of the opinion that the language used in open court by Judge Haney amounted to a final order disposing of the case, and that the order when the copy of the decision was printed and published, therefore, does not show that the case was still pending. The act of entering the order on the record was merely a ministerial act, Judge Dunne said.

WOMAN'S STRANGE ABSENCE.

SHE LEAVES HER HOME, HER HUSBAND AND NINE CHILDREN, APPARENTLY WITHOUT CAUSE.

Paterson, N. J., Dec. 7 (Special).—Mrs. Anna Zabriskie, wife of John J. Zabriskie, a wealthy farmer living on the old Paramus Road, about eight miles north of Paterson, disappeared from her home yesterday. When she went away she said she was going to Jersey City to have a check cashed. In the evening her oldest daughter, Hattie, received a postal card, dated Paterson, which read: "Dear Hattie: Do not wait for me, as I am not coming back again. Be good to the children, and let them forget me."

At the same time the husband received a letter, in which the wife asked him to forgive her for going away.

There are nine children in the family, and Hattie is the oldest. She is twenty years old. The youngest is nine months old. Mrs. Zabriskie is about forty years old, but looks younger. MAMMA. Miss Zabriskie's sudden disappearance is a shock to all who knew her, as well as to her family. She to all who knew her, as well as to her family. She always showed the greatest affection for her home and for her children, and she was prominent in and for church work. Some of her friends say they have noticed a gradual breaking down in her spirits lately, and that she acted as if she were in great distress. Others believe she has worried over her approaching marriage to her daughter. She has a ranch. Her friends in the West have been communicated with.

THE KENTUCKY GOVERNORSHIP CONTEST.

FORMER OFFICIALS SUED FOR MONEY SPENT ON STATE TROOPS AT THE CAPITAL IN 1900.

Frankfort, Ky., Dec. 7.—Lawyers representing Attorney General Breckinridge, for the commonwealth, have filed suit in the Franklin Circuit Court against former State Auditor John S. Sweeney, Day and former State Auditor John S. Sweeney, and the assignees of their official bonds, to recover the amount of \$32,125, with interest, from February 1, 1900. It is alleged in the suit that the money was spent illegally by the Republicans in maintaining State troops at Frankfort during the contest for the Governorship between the late William Goebel and W. S. Taylor in January, February and March, 1900. Governor Taylor and Day were Republicans, and held office until forced by a decision of the Kentucky Court of Appeals to surrender to the Democratic claimants. The warrants of Sweeney as State Auditor and the checks of Day as Treasurer, show the payments of this amount of money to former Adjutant General Collier and others.

WAS NOT TO GO TO WASHINGTON.

CONFERENCE WITH INTERSTATE COMMERCE COMMISSION GIVEN UP.

St. Paul, Minn., Dec. 7.—The Railroad Warehouse Commission to-day held an executive session, at the close of which the secretary, A. C. Clausen, sent to the Interstate Commerce Commission a letter cancelling the appointment made for a conference of the two commissions for next Tuesday in Washington. The letter to the Interstate Commission merely stated as the reason for the change of mind on the part of the commission that it had been found impossible to secure the presence of Attorney General W. B. Douglas. The real cause, however, is said to be the refusal of Governor Van Sant to go, together with an interview published in a newspaper friendly to the Governor, declaring the journey to Washington a "wild goose chase."

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Kirmanshah, Tebriz and Saruch Rugs in select colors and designs. Also an extensive collection of Daghestan, Kazak and Bokara Rugs.

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250 Pairs of REVERSIBLE PORTIERES Monday, December 9th, at Reduced Prices.

French Jute Velour Portieres, Per pair, \$28.50

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Advance Spring Styles of Printed Satin Foulards

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(Second Floor.) Tailor-Made Suits of Zibeline Cloth (winter-weight), with close fitting satin lined Coat, Velvet Collar; Skirt with slip lining of Taffeta Silk.

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PERILOUS VOYAGE OF SHERIDAN.

TRANSPORT, WITH SEVERAL CONGRESSMEN ABOARD, NARROWLY ESCAPED FOUNDERING.

San Francisco, Dec. 7.—After many exciting adventures in Oriental waters, having narrowly escaped foundering, the transport Sheridan is safe in port. With several Congressmen on board and a large number of sick and discharged soldiers, the Sheridan left Manila fifty-one days ago, bound for San Francisco. She had been at sea only a few days when she ran into a typhoon that nearly sank her. The fury of the storm was terrific. When it abated the Sheridan tried to make headway, but the engineers reported to Captain Pierce that the machinery was disabled. The transport drifted for a time with the currents of the sea, and almost went ashore on the Japanese coast.

On October 10 she reached Nagasaki much the worse for wear, and was put in drydock. The passengers were transferred to the Warren, sent from Manila for the purpose. Then the Warren went aground and the passengers again changed ships, this time going on board the Hancock. That steamer bumped on a reef in Hancock, but, after a delay of twenty-four hours, was towed off and resumed her voyage, reaching here uninjured a few days ago.

After being thoroughly repaired, the Sheridan left Nagasaki and made the run to this port in seventeen days and five hours.

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