

DISBROW IS HELD.

SPRINGS UP WHEN PROSECUTOR SAYS HE LIED. CROWDS CHEER THE DECISION—DEFENCE PUTS IN NO EVIDENCE.

Good Ground, Long Island, July 9.—Louis G. Disbrow went back to the jail this afternoon a prisoner, after the action of the next grand jury in the murder of Clarence Foster and Sarah Lawrence. The hearing came to a sudden end today. Mr. Miles, counsel for the young man, put in no evidence, saying that he would wait until the trial of the case, as he felt sure that no matter what evidence he adduced his client would be held. It was exactly a month ago to-night that Disbrow, Foster and "Dimples" Lawrence started on the drive from Corwin's house that ended in two of the party meeting death in the waters of Tiana Bay and Disbrow having to face the charge of murdering them.

Disbrow took his commitment coolly. Only once did he show any emotion or excitement. That was when District Attorney Smith closed his summing up by shouting at Disbrow: "You lied, you know you lied!"

Disbrow had been sitting half turned from the District Attorney, and when the words were shouted into his ear he gripped the arms of his chair and half rose. Sheriff Wells and Mr. Miles placed their hands on him, and Disbrow, with a gasp, sat back in his chair.

Many thought the action was an attempt to strike the District Attorney, but this was denied by those who were nearest the prisoner.

After court rose Mr. Miles said: "What I expected would happen has happened. Disbrow has been held. It would have been very foolish for me to lay bare my case at this time, when it was practically certain that my client would have to face a trial jury. At that time we shall not only overturn all the evidence to be brought in by the people, but will make the case against the young man look even more foolish than it does now. We shall show that Disbrow was wholly guiltless of any crime whatsoever. I am not at liberty to tell what further action I shall take. I cannot say yet whether I shall seek Disbrow's release through a writ of habeas corpus. That is a matter to be decided later."

CHEERS FROM THE AUDIENCE.

The action of the justice met with public approval, for when the decision was announced the crowd which was in the hall burst into cheers, and there was much hand clapping. Deputy sheriffs rushed into the audience to stay the demonstration, but this could not be done.

Because it was known that the State would close to-day, and because every one wanted to hear what the defence would be, there was a larger attendance to-day than any day since the first, when all Good Ground and its boarders came to hear the opening of the case. The first witness to-day was Albert T. Hahn, a bayman. He saw Foster's body on the day it was recovered. "He saw the cut and the blood on the face, as did a majority of the witnesses. Every one seemed to see the cut except the coroner. The cut was also seen by James Cassidy, the next witness, who is a bay man. A. C. Mott, another bayman, who lives on the shores of Tiana, said he had heard no outcry on the night of the tragedy.

Mr. Miles cross-examined him about the marking of oyster beds. Mr. Mott said they were marked with stakes and buoys, which were sometimes broken off below the surface of the water. Mr. Miles's idea was to show that Foster's wound might have been caused by his head striking one of the submerged stakes, but Mr. Smith destroyed the effect of the cross-examination by having Mr. Mott say that, while he was familiar with the position of the various oyster beds in the bay, he knew of none within half a mile of the spot where the body was found, and where, it is supposed, it went down.

Rogers Squires, a brother of Nelson, the boat owner, said that he found the leaky skiff on the beach where Eddie Croker left it. The oarlocks were shown to him, and he said that they seemed to be the ones belonging to the boat and the ones recovered from the boys. He declared the string attached to the oarlocks was not the one he had seen before. It was in two places when he saw it before. Eddie Croker recalled, and swore that the string shown to him looked like the one on the locks when he found them tied to the seat of the boat.

FORMER WITNESS RECALLED.

Just before the end of the case Mr. Miles insisted that Prosecutor Smith recall Dr. Chattie, who previously testified to examining the body before the coroner saw it, and who contradicted the coroner by saying that there was a wound on the forehead, which was there before death. Mr. Smith wanted Mr. Miles to make the doctor his own witness, but Mr. Miles insisted that he be recalled by the prosecution, and Mr. Smith yielded. Dr. Chattie took the stand, and told the technical causes of death by drowning and the resulting changes in the body. Nothing important developed until Mr. Miles asked the doctor if blood ever issued from a drowned body. The reply was: "Not except from concussion."

"If Foster died from concussion, would not a proper autopsy show that fact?" Mr. Miles asked. "No," the doctor replied, "concussion is partial insensibility, caused by shaking up the brain tissue." Mr. Miles then read the report of the autopsy as made by Dr. Benjamin, and asked if the same conditions might not obtain if death resulted from concussion or by drowning. Dr. Chattie said that they might. Mr. Miles then asked the witness if he had any other report that death was due to drowning, and the witness replied that he had already given his opinion, which was contrary to the report.

Mr. Smith then rested his case, and Justice Foster repeated the formal warning to Disbrow that he had the right to speak, but that anything he might say could be used against him. Mr. Miles announced that there would be no statement by the defence further than to offer in evidence the proceedings before the coroner. Then followed a brief District Attorney Smith's objection to the admission of the records. He said that they had never been filed with the County Clerk, and were worthless. Justice Foster overruled this, saying that the records had been filed with the coroner.

The aged, quiet spoken justice ended the proceedings by saying that in most cases similar to this one circumstances formed an important part. In this case all the evidence pointed in one direction. While, perhaps, the evidence was not of the strongest character, there was no doubt that there had been wrong-doing somewhere, and there remained much to be explained that should be explained and should be submitted to the grand jury. He then closed the case, and committed Disbrow. Later, after having been driven by Sheriff Wells to remain until the fall term of court.

ONLY TWENTY HOURS TO CHICAGO. The Pennsylvania Special leaves West 23d St. N. Y. City, daily, at 1:35 p. m.; arrives Chicago 8:35 a. m. Standard equipment.—Advt.

THE MOUNTAIN SPECIAL. For points in the beautiful Lehigh and Wyoming valleys, the Blue and Neopogene region of Allegheny and the beautiful New York State Park. St. Louis, Pa. and New York City. Leaves New York at 10:30 a. m. and returns at 10:30 p. m. Lehigh Valley Railroad.—Advt.

MR. HAY WILL TAKE IT UP.

GAYNOR-GREENE CASE TO BE LAID BEFORE THE BRITISH GOVERNMENT.

COURSE OF CANADIAN AUTHORITIES REGARDING AN EXTRAORDINARY AND UNWARRANTED—HIGH OFFICIALS' FUGITIVES' COUNSEL.

Washington, July 9.—The extradition case of John F. Gaynor and Benjamin D. Greene, whose removal from Canada to Georgia for trial on charges of misappropriation and embezzlement of over \$2,000,000 in connection with river and harbor improvement at Savannah has been sought for some time by the United States, will take on a diplomatic phase in a few days, when Secretary Hay communicates to the British Government the view of the officials of the Department of Justice that the Canadian authorities are pursuing an extraordinary and unwarranted course in the case. The delays and embarrassments in the extradition proceedings resulted in the removal of the case to the Attorney General, who has been in active charge of the extradition proceedings for the United States, transmitting to the Attorney General, under date of Montreal, July 7, a special report on the case, in which he calls attention to the fact that the legal representatives of Gaynor and Greene are closely connected through professional and family ties with the Canadian officials to whom this government must look for extradition of the men whose custody it seeks.

Mr. Erwin, in his report, says that before instituting the extradition proceedings he received notice that the fugitives had taken refuge at Quebec for the purpose of resisting extradition, and that they had employed as their counsel the firms of lawyers to which belonged the highest officials of the Provincial and Dominion governments." He says that he was thus "precluded by the position taken by them from conferring with the law officers of the Crown." He therefore retained two attorneys of the Montreal and Canadian bar, who have ably assisted him. The report then calls attention to this provision of the Canadian extradition act:

Whenever this act applies a judge may issue his warrant for the apprehension of a fugitive on a foreign warrant of arrest or an information or complaint laid before a judge, or on a subpoena or other proceedings as in his opinion would, subject to the provisions of this act, justify the issue of the warrant, if he is satisfied that the fugitive is accused or alleged to have been convicted had been committed in Canada.

THEIR OFFENCE EXTRADITABLE.

Citation is made of the extradition treaty between the United States and Great Britain, and it is shown that it provides for extradition for the offences of embezzlement, fraud, receiving stolen moneys or goods or property, or obtaining the same under false pretences, or for taking part in these crimes, provided such participation is punishable by the laws of both countries. Attention is then called to the fact that Mr. Erwin made complaint on oath on May 14, 1901, before the Hon. Ulrich La Fontaine, one of the Quebec resident judges of the Province of Quebec, and that he had taken part in the crimes of fraud, embezzlement and obtaining money under false pretences, and asserting that such participation was punishable by the laws of both countries. The report then directs attention to the entire regularity of the service of the writs, the arrest of Gaynor and Greene and their removal to the Quebec, issued writs of habeas corpus, which were served at night on the jailer at Montreal, who held the men under the Extradition Commissioner's order for further proceedings.

OFFICIAL PRESSURE ALLEGED.

Without notice to the Commissioner or to the attorneys representing the United States in the proceedings, the Montreal jailer, who holds his appointment under the provincial authorities, within a few minutes after service of the writs upon him conveyed the prisoners by special train back to Quebec. In view of the fact that there were other judges at Montreal having habeas corpus powers, and in such cases the Canadian law gives a judge in the District of Quebec no authority to bring a prisoner from Montreal to Quebec for trial, it is not believed that the jailer at Montreal would have adopted so extraordinary a course without the influence of some official pressure. The firm of Fitzpatrick, Parent, Taschereau, Roy & Cannon, of which firm the Hon. Charles Fitzpatrick, Minister of Justice for the Dominion of Canada, is a member. Of which firm the Hon. S. N. Parent, Prime Minister for the Province of Quebec, is a member. Of which firm Mr. Cannon, son of the Deputy Attorney General for the Province of Quebec, is a member.

Also, Mr. Honore Gervais, law partner of the Hon. Ex-archbishop, Attorney General for the Province of Quebec. Of which firm Mr. Chauveau, son of the Extradition Commissioner, is a member. The report next reviews the motion of counsel for the United States to quash the writs of habeas corpus and remand the prisoners in order that the extradition hearing might proceed, and the fact that the evening before Justice Andrews was to render his opinion on the prisoners attempted to drop that proceeding on a claim that it was illegal, and through their counsel, Messrs. Fitzpatrick, Parent, Roy and Cannon, "have other writs of habeas corpus issued to come before Justice Caron, a judge with concurrent jurisdiction with Justice Andrews, on the ground that their custody by the sheriff at Quebec was illegal.

Attention is then directed to the fact that Justice Andrews, in denying the prisoners' claim that the first writs of habeas corpus were illegal, said it was not for the persons who induced him to issue the writs of habeas corpus to claim they were illegal and avail themselves of such a means of escape. The report next says that, notwithstanding this and the fact that under Canadian law a second writ of habeas corpus cannot issue except on "new facts," the prisoners' counsel on petitions alleging only the same facts caused other writs to be issued by Justice Caron. The jailer, in making his return to these writs, refused "on request of counsel of the United States to attach copies, or set out in his return, the substance of the documents under which he held the prisoners." The report adds:

If the jailer had been acting under the advice of officers of the Crown in the pending extradition of the fugitives, it is incredible that in a country which shares with us the high standard of justice and which for our country holds the documents of its authority, to the prejudice of a party to the litigation.

PECULIAR LEGAL PROCEEDINGS.

Counsel for the United States, by reason of the jailer's defective return, were compelled to move to amend it by annexing copies of the documents under which he held the prisoners."

Continued on second page.

SUNDAY EXCURSION TO MAUCH CHUNK. The Switzerland of America, July 13, via New Jersey Central. Tickets \$1.50. Special train from foot Liberty St. 8:30 a. m. Switchback, 50 cents extra.—Advt.

NEW-YORK—29 HOURS—CHICAGO. The Pennsylvania Special runs from metropolis to metropolis in four hours less than a day.—Advt.

CALIFORNIA IN FOUR DAYS. From New York. Best of every thing en route. The Overland Limited, via Chicago and North-Western, California and Southern Pacific Railways. Office, 461, 267 and 269 Broadway.—Advt.

DOUGHERTY RESIGNS.

COLONEL R. G. MONROE NEW WATER COMMISSIONER.

MAYOR SAYS FORMER OFFICIAL WITHDREW FOR BUSINESS REASONS—TALK OF FRICTION.

J. Hampden Dougherty has resigned his position as Commissioner of Water Supply, Gas and Electricity. His resignation will take effect on July 15. Mayor Low has appointed in his place Colonel Robert Grier Monroe. No inkling of the change in the department leaked out until the announcement was made by the Mayor late yesterday afternoon that Commissioner Dougherty was out and that his successor had been selected. The Mayor made the following statement:

Some weeks ago Commissioner Dougherty notified me that he feared he would have to ask to be relieved as Commissioner of Water Supply, Gas and Electricity. Until a week ago I hoped there was a possibility that he would change his mind; but on July 1 he wrote me that he must finally ask me to relieve him. I have accordingly asked Robert Grier Monroe to accept the position, and he has done so. Mr. Dougherty, in accepting the appointment originally, told me frankly that he was not sure that he would be able to serve the entire time, and he has found, as a matter of fact, that he cannot afford to abandon his profession so completely as he has found it necessary to do since he has been in the position. He has worked hard and faithfully, and I have no doubt that Mr. Monroe will find the department in better shape in many ways than it was in at the first of the year. Mr. Dougherty has a certain special equipment in this position in a knowledge of the water situation, which has not been possible to duplicate; but Mr. Monroe is a man of capacity and I believe he will make an effective Commissioner.

Last night those who think that a man never resigns a large office unless friction drives him to it said that Mr. Dougherty had resigned because of differences with Mayor Low, Corporation Counsel Rives and the Board of Aldermen. While it is true that Commissioner Dougherty has accomplished a number of highly creditable reforms, it is also true that several of his ambitious projects for the good of the department he has just left have been defeated.

HIS PROJECTS DEFEATED.

Early in the year he asked for an enlarged appropriation for his department. Controller Grant and the Mayor refused to give the extra money. He tried to have the Board of Aldermen pass a resolution compelling householders to meter all houses. The aldermen would not do it. After each of these defeats he threatened to resign.

He asked the Board of Aldermen for \$2,500 with which to pay John R. Freeman, of Providence, for three months' work as engineer for the city. The aldermen refused to give the money, and Mr. Dougherty said he would engage Mr. Freeman on his own responsibility.

He won a substantial victory as an indirect result of his efforts to have the Burr law repealed. His bill for the repealing of the law which was supposed to prevent the city from acquiring water rights by condemnation proceedings in Suffolk County never got out of committee, but Corporation Counsel Rives afterward said that the Burr law was unconstitutional, and that Mr. Dougherty could go ahead and condemn in Suffolk County wherever necessary. Mr. Dougherty's men detected a large number of crooked water meters, thus increasing the city's revenue by thousands of dollars.

Mayor Low wrote him a somewhat pointed letter calling his attention to the violation of the law in the burning of soft coal in the pumping station in West Ninety-eighth-st., and on appealing to Corporation Counsel Rives he got little satisfaction. He was told to obey the law.

Mr. Dougherty is prominent in the Citizens Union organization, and in making up the city ticket last year he was one of the influential conferrees.

HOPES TO BE OF FURTHER SERVICE.

Mr. Dougherty, when seen by a Tribune reporter, said: "I agreed to accept a place in Mayor Low's cabinet upon the understanding that, if the duties of my office should prove incompatible with attention to the most important of my personal matters in my hands, I might ask to be relieved after the lapse of a number of months. When, some weeks ago, I tendered my resignation, I felt that I had fulfilled in doing so because the duties of the office had proven utterly incompatible with any other work. The duties of the office are of such a nature that a half month seems evident to me. With my conception of the demands of the department, constituted as it is by containing such unrelated subjects as water, gas and electricity, I believe that when large improvements in the water system might be initiated, no consideration should be given to the position of the water supply. I believe that the requirements of this department will not be met before the constitution is changed. I think I am able to be of service to Brooklyn in the matter of its water supply for a year before I become a public official, and I believe that I will be able to do so. But, rightly or wrongly, I believe that the requirements of this department will not be met before the constitution is changed. I think I am able to be of service to Brooklyn in the matter of its water supply for a year before I become a public official, and I believe that I will be able to do so. But, rightly or wrongly, I believe that the requirements of this department will not be met before the constitution is changed. I think I am able to be of service to Brooklyn in the matter of its water supply for a year before I become a public official, and I believe that I will be able to do so. But, rightly or wrongly, I believe that the requirements of this department will not be met before the constitution is changed. 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