VICTORY FOR DEVERY.

Justice Leventritt Decides He Is Entitled to Seat.

William S. Devery must be recognized by the Tammany General Committee as the duly chosen member from the IXth Assembly District to represent that district on the Executive Committee, according to the decision handed down by Justice Leventritt in the Supreme Court yesterday, granting to Peter J. Garvey a peremptory writ of mandamus requiring the Tammany General Committee to recognize him as a member and the person chosen by him and his fellow members of the IXth Assembly District as their selection for the Executive Committee.

"It was conceded on the argument," says Justice Leventritt, "what, under existing law could not be disputed, that the relator and his associates were members of the General Committee, with all the powers pertaining to the office."

The solution of the question at issue, he declares, is primarily dependent on the rules and regulations in force at the time the General Committee met on December 30, 1902, to elect or designate its Executive Committee. At this meeting, he decides the rules of the previous year were in force, unrepealed and unamended. He continues:

Therefore, when the General Committee met the rules and regulations guaranteed to the voters of the IXth Assembly District representation through one of their delegates on the Executive Committee. As a result of the occurrences of the meeting of December 30, the IXth Assembly District was deprived of its representation on the Executive Committee. Without any previous notice, and without being characterized as an amendment to the rules and regulations, there was offered and adopted at the meeting of December 30 a resolution in the following language:

"Resolved, That the districts be called in their order, and that one person from each uncontested district and the Annexed District, with the exception of the XXXIVth District, in which district there shall be one person from that portion of the district lying south of the Harlem River, and one person from that part of the district lying north of the Harlem River, be named to constitute the Executive Committee for the year 1903."

Immediately prior to the adoption of this resolution a protest had been made against the seating of the delegation from the IXth District, and their right to membership on the General Committee. It is perfectly clear from the papers that the resolution was aimed solely at that district. Without attempting, therefore, to pass upon the question whether such a discrimination would in any event be legal, even if accomplished according to the forms of law, it may be said that, extending the principle and the spirit of the Coffey case to that at bar, such a discrimination would not be countenanced, as in effect being a disfranchisement of the voters of an Assembly district acting through their chosen representatives.

Here, however, the forms of the law have not been observed. The resolution and the previous rules and regulations are in conflict, and the former was illegal and ineffective because the necessary precedent steps had not been taken.

A principle is involved, and the individual case must not be allowed to sanction a departure bad in precedent, unsound in law, and thoroughly inharmonious with democratic doctrine.

Abram I. Elkus, who appeared for Garvey, said Devery would take his place on the Executive Committee of Tammany Hall as soon as Justice Leventritt's formal order was signed issuing the mandamus.

DEVERY MEN CELEBRATE.

"Big Bill" Tells Them Justice Leventritt Is a Great Jurist.

William S. Devery, restored by Justice Leventritt's decision to his rights and privileges as a mogul of the Tammany Hall Executive Committee, handed out verbal bouquets to his election district captains last night at the district headquarters, in Eighth-ave., near Twenty-third-st. They were all on hand, and every one felt as if his ship had come in. Mr. Devery was there, with a masterful look in his eye; Peter J. Garvey, the color bearer of the organization, was there, wearing a look of conscious superiority; Pump, the spaniel mascot, was there, wearing a joyous face and a new blanket with his name worked in in black. Pump jumped on the table and "grinned like a coal scuttle." He waved his plumelike tail and crowded the chief out of his chair. But everything was jolly. It was a happy family once more.

"I want to thank Mr. Garvey and the district leaders," said Mr Devery, when he was called on, "for the great victory won to-day in the courts. I never had the slightest fear of the result. Justice Leventritt is one of the greatest jurists in the world. He is a jurist, and thoroughly understands the law—the law of the common people. We have received this victory at the hands of Justice Leventritt. I presume now our friends in Tammany Hall will recognize us, both in the general and executive committees.

"Now, to-morrow is the special election for Senator. I want each and every man and captain of his district to do everything in his power to get out the Tammany vote. Now that you have won your case you have got to keep inside the breastworks. I want to read you a note that I got this morning from the candidate for Senator."

Here Mr. Devery read:

Friend Chief: Inclosed find check for $250 for my campaign assessment. Hoping this will meet with your approval, I am, yours truly,

P. J. DOOLING.

"That's $10 a district for you gents," resumed Devery. "This money is not to bribe voters with in any shape or form, because if you attempt that you are likely to be disfranchised again by Tammany Hall. Spend it by sending messengers around the district and getting out the vote."

"I move that we send the check back," said Joseph Clark.

"No doubt," continued Devery, "many people will be looking for a day's work to-morrow, and some will be out of coal, and others will be without flour in the house. The best way for you fellers to do is to not have any long green in your clothes to-morrow, then you won't have no trouble.

"I move that we send that check back with thanks," said the persistent Mr. Clark.

Peter J. Garvey didn't think this was the right thing to do, and after much persuasion, Mr. Clark withdrew his motion.

Devery said that he didn't expect much more trouble in asserting his rights in Tammany Hall. The Stewart mandamus proceedings come up to-morrow before Justice Gaynor. In view of the decision by Justice Leventritt yesterday, the Stewart case may be dropped.

BELLEVUE NOT "AN ALCOHOLIC CURE."

The Doctor in Charge of Ward Has Inebriates Sent to Jail.

For many years Bellevue Hospital's alcoholic ward has been a sobering off place for men and women who have inebriate habits. The doctors, nurses and attendants see the same faces over and over again in many instances, and many times have cried out against the practice and threatened reform. But the reform always failed of accomplishment.

It remained for Dr. Hyde, who is in immediate charge of the ward, to institute the first reform, and he expects that its effects will do much toward lessening the nuisance. Two of the insistent users of the alcoholic ward for sobering up purposes, according to Dr. Hyde, have been Frank Porter, thirty-one years old, a harness maker, who says he has no particular home, and Charles Stoner, forty-seven years old, a laborer, of No. 431 West Thirty-second-st. On Sunday night the two men appeared after an absence of three weeks. Yesterday afternoon Dr. Hyde had them placed under arrest and took them to the Yorkville Court, where he told his story to Magistrate Cornell of the annoyance that had been caused to the hospital authorities by this habit. Magistrate Cornell listened to the story, and when the doctor had finished he said:

"My only wonder is that similar arrests have not been made before. I have often heard of the abuse which certain people make of the alcoholic ward at Bellevue, and I am glad to learn that some one has had the gumption to bring some of those men to court. With but few exceptions every person who goes voluntarily or is taken to Bellevue for the purpose of sobering up should be placed under arrest. These people are public nuisances. The city is not running an alcoholic cure, and these people will have to be made to understand it. I am going to make an example of this case, in the hope that it will abate the nuisance. I will sentence you men to six months each in the workhouse."

Encouraged by his success and knowing that he has the law on his side Dr. Hyde says that in the future he will do likewise and endeavor to establish a lasting reform at Bellevue.

JUMPS FOUR STORIES AND DIES.

While in a delirious condition Hannah Kollman, sixty-three years old, an inmate of the Methodist Episcopal Home for Aged and Indigent Females, at Ninety-second-st. and Amsterdam-ave., jumped from the fourth floor of the institution yesterday, landing on the sidewalk and dying a few minutes later.

MOST POPULAR STATISTICAL PUBLICATION OF THE YEAR.

Tribune Almanac 1903. First Edition all sold. Second Edition now on sale. Buy one at once. Price 25 cents.

SPORTS AND SPORTSMEN.

PROGRAMME OF SPORTS TO-DAY.

HOCKEY.—New-York Athletic Club vs. Hockey Club of New-York, St. Nicholas Rink, evening; Columbia 2d team vs. Hedley School, Clermont Rink.
RACING.—At New-Orleans and Oakland.
CURLING.—International tournament, at Detroit.
HORSE SALE.—Fasig-Tipton sale, at Garden.

THE RACETRACK.

Three Favorites Win On Muddy Track at New-Orleans.

New-Orleans, Jan. 26.—Potheen, Censor and Little Scout were the winning favorites to-day. The weather was fair, but the track was muddy from early morning rain. Summaries follow:

First race (six furlongs; selling)—Farmer Jim, 111 (Gannon), 6 to 2, won; Orpheum, 103 (Bridewell), 16 to 1, second; Hedge, 105 (Redfern), 8 to 1, third. Time, 1:18. John Coulter, Exapo, Ma'mselle, La Honda, Lexington Bess and Laton also ran.

Second race (selling; six and a half furlongs)—Ben Mora, 105 (Haack), 9 to 2, won; Little Jack Horner, 106 (Fuller), 7 to 2, second; Frank Kenny, 109 (W. Hicks), 5 to 1, third. Time, 1:24⅘. Sister Kate II, Miss Hume, Boomerack, Katie Gibbons, Hazel H., Sir Kingston, The Stewardess and Sir Gatien also ran.

Third race (selling; mile and a quarter)—Potheen, 106 (Buchanan), 2 to 5, won; Chickadee, 103 (Haack), 9 to 2, second; Gin Spray, 106 (R. Murphy), 12 to 1, third. Time, 2:14⅘. Swordsman, Lady Chorister and Vesuvia also ran.

Fourth race (selling; seven furlongs)—Censor, 109 (Fuller), 9 to 5, won; Aratoma, 105 (Munro), 11 to 5, second; White Owl, 93 (Haack), 13 to 1, third. Time, 1:31⅘. Flaneur, Wunderlich, Wissendine, Whangdoodle, Miss Shanley, Velasquez, Jim Nap and Badger also ran.

Fifth race (mile)—Brush By, 95 (Lindsey), 9 to 1, won; Sheriff Bell, 112 (Buchanan), 18 to 5, second; Melbourne Eclipse, 100 (Redfern), 7 to 1, third. Time, 1:45⅘. Henry McDaniel, Bourke Cockran, Breaker, Lord Touchwood, Guess and Showman also ran.

Sixth race (selling; mile)—Little Scout, 103 (Redfern), 7 to 10, won; Rosa Bilder, 111 (Creamer), 3 to 2, second; Commissioner Forster, 110 (Battiste), 12 to 1, third. Time, 1:46. Eda Riley also ran.

Entries for to-morrow:

First race (mile)—Paramount, 102; King's Sister, 102; Kiawasa, 104; Safeguard, 104; In Bond, 104; Criticism, 104; Prince Herman, 104; Anzeiger 107; Doc Woods, 107; Fair Lass, 107; Nemplum, 112.

Second race (selling; seven furlongs)—Mollie T., 99; Little Chico, 99; Optional, 99; W. L. George, 101; Star and Garter, 101; Aline S., 102; Light Hunt, 104; Pierce J., 104; Ben Frost, 104; Blue Blaze, 107; Bummer, 107; Dr. Scharff, 108.

Third race (selling; mile and a sixteenth)—Judge Cantrell, 82; Ermack, 90; Aurie B., 92; Sue Johnson, 95; John Storm, 97; Florham, 97; Goldaga, 100; Beana, 100; Willard J., 102; Sir Veredevere, 105.

Fourth race (handicap; six furlongs)—Breaker, 97; Latuka, 103; Uranium, 104; Glendon, 105; Tioga, 109; Sheriff Bell, 111; Rakish, 111.

Fifth race (selling; mile and a sixteenth)—Flora Levy, 75; Blanco, 85; Floyd K., 94; Glenzin, 100; Miss Shanley, 100; King Barleycorn, 102; Prince Real, 102; Mosketo, 103; Peat, 104; Flaneur, 105; Jerry Hunt, 108.

Sixth race (seven furlongs)—Caelania, 90; Discus, 95; Lord Touchwood, 99; Ornature, 102; Ahumada, 102; Lady Alberta, 103; Sister Kate II, 106; Ironis, 106; Judge Magee, 108; Hop Scotch, 108; Marshal Neil, 111; Benson Caldwell, 115.

RESULTS AT OAKLAND.

Oakland, Cal., Jan. 26.—There was rain here today, and the track was heavy. Summaries:

First race (selling; five furlongs)—Warte Nicht, 110 (Minders), 2 to 1, won; Belle Reed, 108 (T. Waldo), 7 to 2, second; Ora Viva, 110 (Donovan), 6 to 1, third. Time, 1:03⅘. Pure Dale, Toto Gratiot, Dotterell, Amourna, Queen Cup, Ante, Penance, Lansdowne and Chief Ranger also ran.

Second race (two-year-old maidens; three and one-half furlongs)—Knob Hampton, 113 (W. Waldo), 6 to 5, won; Libbie Candid, 110 (Donovan), 10 to 1, second; Punctilio, 113 (J. Daly), 4 to 1, third. Time, 0:43⅘. Box Elder, Queen Fay, County Down and Midway also ran.

Third race (selling; one mile and one hundred yards)—Alado, 104 (Donovan), 12 to 1, won; All About, 99 (C. Kelly), 3 to 1, second; Rimron, 107 (Atkins), 15 to 1, third. Time, 1:51⅘. Croxteth, El Pilon, Marello, Honor Bright, Orpheus, Prima II and Dance Along also ran.

Fourth race (selling; one and one-eighth miles)—Sunnello, 106 (Burns), 8 to 5, won; Frank Woods, 106 (Lewis), 12 to 1, second; Canejo, 104 (Birkenruth), 10 to 1, third. Time, 1:56⅘. Cromwell, Rasp, Sleeping Child, Greyfeld and Galanthus also ran.

Fifth race (selling; one mile and one hundred yards)—Doreen, 97 (Reed), 6 to 1, won; Mission, 104 (Minder), 4 to 1, second; Stella Perkins, 97 (Knapp), 25 to 1, third. Time, 1:50. Tyrannus, Nilgar, The Miller, Senator Beveridge, Almsgiver and July Gyp also ran. Baccheus was cut down.

Sixth race (selling; six furlongs)—Ballroom Belle, 84 (Reed), 7 to 2, won; Hainault, 101 (L. Wilson), 4 to 1, second; Ada N., 105 (Lewis), 5 to 2, third. Time, 1:15. Laura F. M. and Golden Light also ran.

Entries for to-morrow:

First race (selling; Futurity Course)—Karabel, 100; Educate, 100; Carrie W., 100; Light Ball, 102; Assessment, 102; Skip Me, 95; Fitz Stockwell, 101; Estado, 98; Victoria S., 98; Ragnarok II, 97; Ace of Spades, 99; Pirate Maid, 99.

Second race (selling; six and one-half furlongs)—Nora D., 102; Azarine, 102; Torilla, 102; Dollie Weithoff, 105; Delvista, 105; Buzzer, 97; Prue, 107; La Colma, 110; Tower of Candles, 110.

Third race (selling; Futurity Course)—Evander, 101; San Lution, 101; Yellow Stone, 101; Marschino, 98; Rose of Milo, 103; Blackthorn, 112; Erema, 102; Golden Cottage, 108; Handpress, 108; Jim Gore II, 117; Bedner, 105; Young Morello, 105.

Fourth race (one mile)—Georgolette, 105; Epicure, 114; Gold Van, 110; Gold Bell, 110.

Fifth race (selling; one mile and fifty yards)—Platonius, 103; Imprudent, 102; Gaslale, 105; Hesperia, 114; Larry Witt, 109; Nellie Forest, 106; Bonnie Lissak, 106; Prestano, 106; Sleeping Child, 106; Bard Burns, 111; Pat Morrisser, 108.

Sixth race (selling; one mile)—Byrondale, 102; Stunts, 104; Sir Hugh, 101; The Major, 107; Fossil, 107; Clausis, 99.

NEW GAME PRESERVE IN VERMONT.

[BY TELEGRAPH TO THE TRIBUNE.]

Groton, Vt., Jan. 26.—A four hundred acre tract of timber land has just been purchased here by Fremont H. Wright, of Auburndale, Mass., and is to be transformed into a game preserve. The Darling Pond, said to contain the best trout fishing in the country, is located in this tract. The area is admirably adapted for a preserve, as the original spruce has been cut off, and the dense underbrush will give feed and cover for many deer and birds. Mr. Wright will build a clubhouse in the spring.

TO PROTECT BEARS.

A bill has been prepared with the object of protecting the black bears of this State. Heretofore there has never been any provision for the protection of these animals, and during the last few years their numbers have decreased to a large extent. The bill will provide for a close season on black bears during the summer months, when they are commercially valueless; prohibit the killing or taking of cubs at all times, limit hunters to one bear a season, prohibit the use of traps or snares in the pursuit of these animals, and require each person killing a bear in this State to file a record of such killing with the Forest, Fish and Game Commission. Senator William Townsend, of Oneida, will introduce the bill. It is favored by organizations of sportsmen and naturalists.

DADY'S SON HOLDS FORDHAM RECORD.

The Fordham College track team elected J. J. Fallon, '04, of Boston, captain for the season of 1903. Last year, in the 100-yard dash of the New-York Athletic Club's annual games at Travers Island, Fallon, from the 5-yard line, defeated Duffy, of Georgetown. Four years ago Fallon and Duffy ran side by side as representatives of Boston University. This is Fallon's third year as captain of the track team. Maurice J. McCarthy, trainer of the team, issued a call for candidates recently, and thirty-five responded. Among the number were O'Toole and O'Conner, ten-second men, and Chester A. Dady, son of Colonel M. J. Dady, of Brooklyn. Dady holds the college record for the broad jump.

CHAMPIONSHIP HOCKEY MATCH.

A championship hockey match will take place at the St. Nicholas Rink, under the auspices of the Amateur Hockey League, this evening, between the teams representing the Hockey Club of New-York and the New-York Athletic Club. These teams played a tie game on January 2, which resulted in three extra periods and yet there was no score.

COCKERILL TO RACE TROTTERS.

John F. Cockerill, president of the Road Drivers' Association of New-York, has been elected a member of the New-York Driving Club, and this season, instead of having his horses at Bayshore, he will have them trained for the matinees at the Empire track. It is not unlikely that his famous gelding, Swift, will be sent to duplicate his performances of last year, when he made the circuit of half-mile tracks without meeting defeat. Mr. Cockerill's application for membership carried the name of James Butler, president of the Empire City Trotting Club.

CUTLER DEFEATS MORRISTOWN.

The Cutler Schol team defeated the Morristown team in a hockey game at Morristown yesterday by the score of 9 to 0.

FREEPORT GUN CLUB WINS MATCH.

Freeport, N. Y., Jan. 26.—The second of the series of the team match for championship of Nassau County in trap shooting, was decided here today. On the grounds of the Freeport Gun Club, Turks Island, the home team defeated the Port Washington Gun Club, 200—192. Sweepstakes events which followed were captured by Glidersleve, Dr. Carman Smull and Herbert Carman.

HARVARD MEN DISQUALIFIED.

Amateur Athletic Union Suspends Cambridge Basketball Players.

The basketball committee and the registration committee of the Metropolitan Association of the Amateur Athletic Union yesterday suspended from further competition in sports under the jurisdiction of the Amateur Athletic Union the basketball players of the Harvard University Athletic Association and the Washington Continental team, of Schenectady, N. Y. These two teams played a game on Saturday night at Schenectady, the Washington Continental playing with the Harvard team, notwithstanding the fact that they were not registered with the New-England Association of the Amateur Athletic Union of the United States.

AMATEUR SKATERS TO RACE FEB. 12.

The American speed skating championships for 1903 will take place at Verona Lake, near Montclair, N. J., on Lincoln's Birthday, February 12. The distances scheduled are one-half mile, one mile and five miles, and three prizes will be awarded in each race. Morris Wood, the present one and three mile skating champion, who made three records last Saturday, says that the Verona Lake oval is the best for fast work that he has ever skated over.

KLING TO PLAY WITH CHICAGO.

Kansas City, Jan. 26.—John Kling to-night denied a statement sent out from Tacoma, Wash., to-day that he had been signed to play the coming season with Tacoma in the Pacific Northern League. Kling stated positively that he will play with the Chicago National League Club again next season.

THE ABBOT BROUGHT EAST.

[BY TELEGRAPH TO THE TRIBUNE.]

Fishkill Landing, N. Y., Jan. 26.—The Abbot arrived at Fishkill Landing at 4 o'clock this afternoon. The celebrated horse had been shipped from Louisville to the John J. Scannell stock farm here. The horse was met by Mr. Scannell and the trainer, John Kelly, and was taken to his new quarters. Mr. Scannell said The Abbot was in fine condition and his performances next season were sure to be remarkable.

SPLITTING UP THE NICKEL.

From The New-Orleans Times-Democrat.

"You would be surprised to know the vast number of children among the poorer classes in New-Orleans who do not clearly understand the value and function of the nickel," said a storekeeper downtown, "and it all results from the popularity of the quartie system, which has always been so much a part of life in this city. They are the small buyers, who run all kinds of errands for the little family to which they belong. Purchases, amounting in individual cases to less than five cents, daily amount in the aggregate to thousands of dollars. It is no small part of the retail traffic of the city. The children split a nickel up into very small pieces, buying a penny's worth of this and a penny's worth of that, until they leave the store or the market with an armful of little packages which will represent the day's supplies.

"Sometimes they will spend only a part of the nickel, and will get in tickets, or tickets, or maybe pennies, in change. Frequently the purchase will amount to two cents and a half, and then they get a pasteboard check for the other two cents and a half, which is legal tender at the place issuing it for its face value. Checks or tickets of this kind are extensively used in this city, and they have added greatly to the circulation of a sort of crude subsidiary money. One of those checks is as good as gold at the grocery or market stall where it is issued. It is predicated on and gets its value from a redemption fund, just like Uncle Sam's money, except that, instead of being redeemable in gold on demand, it is exchangeable at the grocery at its face value for any of the things in stock, or good at the vegetable stall at the market place for two and a half cents' worth of anything on hand when it is presented. It is always good for what it calls for on its face."

IT'S YOUR OWN FAULT

if you fail to secure a Tribune Almanac for 1903, as the Second Edition has just been put on sale. First Edition all sold. Price 25 cents.

REAL ESTATE.

Sale of Charles W. Morse's House—Its Interior Decorations.

The real estate market yesterday was brisk, the good volume of sales of apartment and dwelling houses being one of the bright features of the day. One of the principal transactions was the sale of No. 724 Fifth-ave., by Collins & Collins as brokers, for Charles W. Morse, first vice-president and a director of the National Bank of North America. He occupies the house. He bought it from Helen Cutting in March, 1899, for $185,000. The house No. 728 Fifth-ave. was bought by William C. Whitney last year to protect the light and air of the Whitney house, at the southwest corner of Fifty-seventh-st. and Fifth-ave. The Whitney house is occupied by Harry Payne Whitney. Neither the name of the buyer nor the price paid for the property could be learned last night.

Th Morse house is four and a half stories high, and is considered to be one of the best built houses in the Fifth-ave. district. Mr. Morse has had the interior decorations of the house changed into the French style. In making these changes he spent a large sum of money. The size of the plot on which the house stands is 25 by 100 feet. Sales of houses of this type in Fifth-ave. or near the avenue and in the West Side district above Fifty-ninth-st. have been one of the most pleasing features of the real estate market for some weeks. An increasing demand for such properties, coupled with the plans for improving properties in the districts which are being carried out or are nearing a state of perfection, must the result, according to some of the leading experts on realty conditions, in higher prices for this type of properties in those districts in the near future.

TRANSACTIONS IN REALTY.

Slawson & Hobbs have sold for John J. Egan and Daniel Hallecy to an investor the four five-story apartment houses at the southwest corner of Seventy-second-st. and Second-ave.

The Frank L. Fisher Company has sold the five story flathouse No. 16 West One-hundred-and-thirty-fourth-st., 52.5x85x100 feet, to an investor.

Charles S. Schuyler & Co. have sold No. 17 West Tenth-st., a five story apartment house, on a plot 26x100 feet, for Mrs. L. Muletta to a Mrs. Peabody.

Folsom Brothers have sold for Mrs. Jane E. Bonhein the four story high stoop dwelling house No. 312 East Nineteenth-st., 21x98 feet, to a client.

A. W. Miller & Co. have sold No. 243 West Fifty-third-st., a four story dwelling house, on a lot 20x60 feet.

Edward Pollak has sold for William F. Connor a two story frame cottage in Julian-st., 100 feet from Elliott-ave., and also sold for Thornton Brothers to a client No. 1,343 Clay-ave., a two story frame dwelling house.

Layton & Rogers have sold for a client the five story brick and stone apartment house, 25x96x100 feet, at the southeast corner of Amsterdam-ave. and One-hundred-and-thirty-first-st., for about $40,000. They have also sold the plot of five lots, 100x125 feet, on the northeast corner of Twelfth-ave. and One-hundred-and-thirty-third-st., for about $42,000.

John Finck has sold No. 84 East Seventy-seventh-st., a four story dwelling house, for the Clinch estate, to Nannie J. Faulkner. He has also sold No. 347 West Twentieth-st., a three story dwelling house, for De Witt S. Thompson, and No. 119 West Ninety-fifth-st., for Louise M. Sweetser. The buyer of the Ninety-fifth-st. property is Eve B. Edwards.

John H. Berry has sold to Willam Beard the J. F. Menke property, consisting of large mansion of twenty-four rooms and a stable, on plot of ten lots, fronting on Stockholm and Sidney sts., Washington Heights. The consideration was about $45,000.

The Empire City Realty Company has sold No. 247 West Broadway, a seven story mercantile building, on lot 25x100 feet.

Gustav Roos has sold for F. Freese the four story flathouse, with store, No. 1,227 Webster-ave.; also for E. J. N. Schneider, the three story frame flathouse, with store, No. 663 East One-hundred-and-thirty-second-st.

Isaac Cohen has sold for Jackson & Stern, to Davis & Levy, Nos. 20½, 22 and 22½ Macdougal-st., three six story tenement houses, on plot 75x100 feet.

Charles Garfield has bought Nos. 10 and 12 East One-hundred-and-fourteenth-st., two five story double flathouses, on a plot 50x100.11 feet.

Emil Bachmann has sold No. 131 West Ninetieth-st., a five story flathouse, on a lot 26.3x100.8 feet.

Carrie Teven has sold No. 99 Seventh-st., a five story tenement house, on lot 26.4x97.6 feet.

Louis J. Friess has sold No. 1,227 Webster-ave., a four story flathouse, with store, on lot 25x100 feet.

Herman Mundheim has sold No. 745 East One-hundred-and-forty-second-st., a three story dwelling house, on lot 25x100 feet. He bought it in 1883 for $3,100.

E. J. Schneider has sold No. 663 East One-hundred-and-thirty-second-st., a three story frame flathouse, with store, on lot 25x100 feet.

Plans were filed on Saturday at the Bureau of Buildings, Manhattan, for alteration to the New-York Theatre, occupying the block front on the east side of Broadway from Forty-fourth to Forty-fifth-st. The entire interior will be torn out and reconstructed. The box tier balconies and box fixtures are to be taken out and a balcony and gallery are to be put in in place of three balconies. A new scene room is to be built in the fly gallery, the dressing rooms are to be enlarged, and the studio on the upper floor is to be completed. The interior is to be redecorated throughout. The smoking room and the cafe are to be changed. The cost is placed at $100,000. Klaw & Erlanger are the owners. J. B. McElfatrick & Son are the architects.

THE BRONX BUILDING PLANS.

Keller-ave., west side, 603 feet north of One-hundred-and-sixty-ninth-st., two story frame dwelling house, 25x52 feet; I. Roth, owner; B. W. Lerger & Sons, architects; $3,500.

Lebanon-st., north side, 300 feet west of Bronx Park-ave., two story brick dwelling house, 22x52 feet; Virginza Ambrosino, owner; Hamilton Kitchen, architect; $3,500.

Park-ave., southeast corner of One-hundred-and-fifty-sixth-st., five story and basement brick factory, 47½x119 1-3 feet; Sigmund Feust, owner; Charles Baxter & Sons, architects; $78,000.

REALTY NOTES.

Mrs. Lilia Gilbert transferred title yesterday to No. 826 Fifth-ave. to William W. Hall and another person. The property carries a mortgage of $140,000.

Saks & Co. have leased the basement of their building to the Bally Restaurant Company for ten years at a graduated rental from $16,000 to $18,000 a year.

Charles R. Faruolo & Co. have leased for a term of five years the seven story tenment houses Nos. 90 and 92 Roosevelt-st. for Frederick Lausser to a client at an aggregate rental of $16,800.

A. D. Julliard is the buyer of No. 11 West Fifty-seventh-st., reported sold on Saturday.

HARMONIE CLUB EXERCISES ITS OPTION.

The Harmonie Club has exercised its option to buy a plot of three lots, 75x100.5x50x25.5x75 feet, on the south side of Sixtieth-st., 125 feet east of Fifth-ave. The plot is almost opposite the Metropolitan Club. It is said that the purchase price is $350,000. A seven story clubhouse, to cost about $400,000, will be built on the premises.

NO RECEIVER FOR THE ANTOINETTES.

Judge Fitzgerald has denied the motion made in the action of Emma Decker against Peter Herter and others for the appointment of a receiver of the large apartment hotel in this city known as the Antoinettes. The action is to recover the sum of $22,500 and a half interest in the Antoinettes, said to be worth $100,000. Upon the motion F. R. Minrath, of Hoadly, Lauterbach & Johnson, plaintiff's attorneys, declared that the owners of the Antoinettes were insolvent and that a receiver should be appointed. Frank M. Avery, of Phillips & Avery, in opposing the motion, held that the defendants were worth over half a million dollars and owned property in this city to a value of over a million and a half dollars, with a rent roll of about $100,000. Judge Fitzgerald says in his opinion that the appointment of a receiver of the Antoinettes would be ruinous to the defendants, and that after careful consideration he is led to the conclusion that there is ample security for the protection of the plaintiff's rights, and therefore denies the motion for the appointment of a receiver.

A BIG WATERFRONT PURCHASE.

General Howard Carroll has completed his negotiations for the purchase of the remainder of the waterfront property which he some months ago made overtures to buy. He made the purchase through E. A. Cruikshank & Co. He has not yet said what use he intends to make of the properties.

This is said to be the largest waterfront transaction reported in a number of years. The bulkhead frontage of the property is about 500 feet, and his parcels also comprise four large warehouses near Rector-st. and the North River. The piers which he has bought are Nos. 6 and 7, North River. One is now occupied by the New-York and Baltimore Transportation Company, and the other by the New-York Steam Company. The total cost of the purchase is said to be about $1,500,000. It is thought that the purchases were made in the interest of the asphalt company of which General Carroll is president.

AUCTION SALES TO-DAY.

By Philip A Smyth: 128 79th-st, s s, 252 ft w of Columbus-ave, 24x102.2, four story and basement b s front dwg h, executor's sale; 124 124th-st, s s, 243.9 ft w of Lenox-ave, 18.9x100.11 four story single f h; sale by order heirs of T C Kennedy, deceased; 512 and 514 106th-st, s s, 120 ft e of Audubon-ave, 50x95.5x50.5x87.5, one and two story bldgs; trustees' sale in bankruptcy.

By Richard V Harnett & Co: 228 Division-st, n s, 88.2 ft w of Attorney-st, 24x74.6x65.3x25.9, five story ten h, with stores; public auction sale.

By L J Phillips & Co: No 431 16th-st, n s, 400.2 ft e of 10th-ave, 25.2x92, five story b tenmt h (No 1); Title Guarantee and Trust Company agt M B Schramm et al; J G Boston, atty; Emil Goldmark, ref; amount due, $16,139.30; taxes, etc, $512.17. No 433 16th-st, n s, 375 ft e of 10th-ave, 25.2x92; 5 story b tenmt h (No 2); same agt same; same atty and ref; amount due, $16,131.70; taxes, etc, $512.17. No 437 16th-st, n s, 350 ft e of 10th-ave, 25.2x92; 5 story b tenmt h (No 3); same agt same; same atty and ref; amount due, $16,131.70; taxes, etc, $512.17.

By Herbert A Sherman: No 350 Pleasant-ave, e s, 50.8 ft s of 119th-st, 25.3x76, 5 story b tenmt h; M R Callinder agt Joseph Schwarzler et al; M & F Howland, attys; S L H Ward, ref; amount due, $15,376.10; taxes, etc, $1,356.

By Peter F Meyer & Co: No 590 152d-st, s s, 68 ft e of Broadway, 16x74.11, 3 story st f dwg h; H M Hall agt C S Crohen et al; B & W Moore, attys; W L Turner, ref; amount due, $10,787.41; taxes, etc, $812.99.

By Parish, Fisher, Mooney & Co: Valentine-ave, No 2089, n e cor 180th-st, 18.11x88.2x18.9x88.10, 3 story frame f h and 1 story f store on rear, one street; A Gunnison and another, as trus, agt N B Levin et al; W D Truax, ref; amt due, $9,168.62; taxes, etc, $984.65.

By John M Thompson: 175th-st, n w cor Clinton-ave, 19.8x200x49.9x120x30.2x80, 3 story f and vacant; Mary Sav Bank agt Jane Bedell and another; A S Hutchins, atty; H S Andrews, ref; amt due, $5,078.80; taxes, etc, $2,342.85.

By Edward D McGreal: Cauldwell-ave, n w s, 136.10 ft n e of 156th-st, 150x117.6; I L Dunn agt Mary Benson et al; J J Brady, atty; P Halpin, ref; amt due, $522.10; taxes, etc, $2,342.94. 149th-st, n s, $14,500.

By Bryan L Kennelly: Old Broadway, No 2356, e s, 49.5 ft n of 130th-st, 25x105; sheriff's sale of all right, title, etc, which T B Moore had on November 24, 1902, or since; J W Bryant, atty.

NEW BUILDING PLAN.

89th-st, s s, 100 ft e of Amsterdam-ave, for a five story brick apartment house, 50x88.9; F Krupp, owner; G Robinson & Son, architects $42,500

REAL ESTATE TRANSFERS.

Centre-st, No 104, s e s, 24.6x74.3x24.6x74.8; Paul Cooke, trustee, to Charles H Simmons; mortgage, $25,000 ..... $1

124th-st, s s, 35 ft w of Lenox-ave, 40x50.5; William Ritsert to Ella Gilon; mortgage, $5,000 1

Irving Place, n e cor 16th-st, 20.1x86.4; Lucy K Allen, widow, to Hannah Allen; quit claim 1

Central-ave, e s, at centre block, plot of mortgaged lands Isaac T Willis, 77.3x109.3x75x91.1; Theodore M Bertine to Edward Hill; all liens.

King-st, No 15, n w cor Congress-st, 21x75; Anna Muller to Louis H Muller; b and s; mortgage, $5,000 500

5th-ave, No 826, e s, 22.6x120; Lilia Gilbert to William W Hall and another; mortgage, $140,000 1

St Nicholas Place, n w cor 151st-st, 99.7x85.3 to St Nicholas-ave x92.7 to 151st-st x85.9; George Maurer to Pierrepont Realty Company; mortgage, $125,000 1

Washington Square West, No 38, w s, 27.6x91.10; Alexander T Mason, referee, to New-York Building Loan Banking Company; mortgage, $41,000 1

86th-st No 55 West, 20x100.8; Joseph Scheider to Louise Scheider; mortgage, $32,500 1

104th-st, No 112 East, 25x100.11, Harriet S Steele to Sol Cohen; mortgage, $7,000 1

101st-st, No 118 East, 16x100.11; Randolph Guggenheimer to Hyman Greenberg; mortgage, $5,500 1

Lots 6,511 to 6,523, Sec 3 and 8, Map Woodlawn Cemetery; contains 3,908 superficial feet; The Woodlawn Cemetery to Theresa Borden; b and s 9,770

2d-ave, No 196, e s, 17.7x78; Joseph Dickson, jr, to Nellie Volt; mortgage, $4,000 1

Orchard-st, e s, 75 ft n of Rivington-st, 25x87.6; F J Schnugg et al, exrs, to Harry and Julius Hirsch; mortgage, $14,000 27,700

24th-st, s s, 210 ft e of 4th-ave, 26x87.6; J W Smith to T P Fitzsimons; mortgage, $13,500 1

52d-st, No 10 East, 20x100.5; P M Stewart to August Heckscher 100

56th-st, No 17 West, 25x100.5; Nannie A Heckscher to David Dringer; mortgage, $60,000 100

Same property; David Dringer to Joseph Foye; mortgage, $85,000 1

57th-st, s s, 173.6 ft e of Madison-ave, 17.9x100.5; L W Morrison to A W Morse 100

Broadway, s w cor of Thomas-st, 41.7x260.7 to Trinity Pl x47.7x264.5; United Realty and Construction Co to Trinity Building Co 1,000

Pier 7, North or Hudson River, and bulkheads, with wharfage, etc; G T Vingut et al to Howard Carroll; b and s; 50-230 part; all title 100

RECORDED MORTGAGES.

Horn, Tiemann N, et al, to Nassau Security Company, 11th-ave, No 306 to 310; also 29th-st, No 557 West; instalments, 6 per cent $2,000

Central, Realty Company, to General Building and Construction Company, 7th-ave, n w corner 36th-st; prior mortgage, $275,000; 2 months; 6 per cent 15,000

Floy, Alice, et al, to Title Guarantee and Trust Company, 125th-st, No 302 East; also 124th-st, No 305 East; 1 year; 4½ per cent 10,000

Knauff, August, to Lawyers' Title Insurance Company, 50th-st, n s, 39.1 ft e of 1st-ave; 3 years; 4½ per cent 5,000

Pierrepont Realty Company to Hampton D Ewing, St Nicholas Place, n w corner 151st-st; demand; 6 per cent 4,708

Baker, John O, to Title Insurance Company, 137th-st, n s, 150 ft w of Broadway; 3 years; 4½ per cent 30,000

Cabot, Maud, and another to Bank for Savings, 77th-st, No 29 East; 3 years; 4 per cent 24,000

Levy, Jacob, to Dry Dock Savings Institution, 3d-st, Nos 15 and 17 East; also 4th-st, Nos 66 and 68 East; 5 years; 4 per cent 66,000

Same to Albert T Swan, same property; prior mortgage, $60,000; instalments; 6 per cent 15,000

Liembach, George, to John McDonald, 63d-st, n s, 95 ft w of Madison-ave; 3 years; 5 per cent 140,000

Same to same, same property; prior mortgage, $140,000; 2 years; 5 per cent 30,000

Greenberg, Hyman, to Randolph Guggenheimer, No 118 East 101