# SETBACK FOR AUTO LAW.

## COURT IS AGAINST IT.

### *Exempting Dealers and Manufacturers Declared Unconstitutional.*

### OTHER SECTIONS QUESTIONED.

In dismissing the charge against James T. McWilliams, who was arrested several weeks ago because he did not have a number on the back of his machine, Justices Olmsted, Mayer and Wyatt, of the Court of Special Sessions, yesterday declared unconstitutional the provision of the Bailey Automobile law requiring that private owners register their machines with the Secretary of State, and exempting manufacturers and dealers from these requirements.

A number of other cases were disposed of yesterday, and the justices expressed doubt as to the constitutionality of the sections of the law which require the court to deprive of his rights to operate his machine for a time the person convicted of violating the law.

The decision of the justices laid stress upon the present confusion existing because of the exemption of dealers and manufacturers, and said that the police were taking into custody persons not liable to arrest through no fault of the officers themselves, but through the defect in the law. A motorcycle was held to be a motor vehicle and under the provisions of the law.

The decision is as follows:

In the case against James T. McWilliams, the court holds that the provisions of the Bailey law requiring the owners of automobiles to register with the Secretary of State and obtain certificates and display numbers on the back of their automobiles is unconstitutional, because it discriminates between persons of the same class, the class being users of automobiles on highways. The court holds that the sole purpose of this provision is to identify automobiles and their users, and that while this provision is wise, there is no reason why all persons using automobiles should not be treated alike. The court is of the opinion that the identification should apply to all automobiles and users of such vehicles on the public highways. The statute, however, exempts dealers and manufacturers from the provisions of the law, which the court holds is an unconstitutional and unfair discrimination against private owners.

The court passes upon the constitutionality of these provisions because of the apparent urgent necessity to stop confusion arising from arrests made of persons who are not liable to arrest under the provisions of this statute; in other words, the statute, in attempting to except dealers and manufacturers, has created a situation where the police have no means of distinguishing dealers or manufacturers, and arrests have been made of dealers and manufacturers through no fault of the police, but through this defect in the law.

In the case of William H. Ellis, the point was raised that the court had no right to impose the sentence depriving the owner of an automobile of his right to run that automobile for the various periods of time as stated in the law. The court, while expressing great doubt as to the constitutionality of this provision, involving, as it does, the possible taking of property without due process of law, declines to entertain the objection on the ground that there would be no method of appealing and getting a decision from the higher courts if the court declines to pass sentence in accordance with the provisions of the law.

In the cases against Claude Farr, Julian Teza and Nathaniel Mitchell, the court allows the demurrers interposed, and discharges the defendants because of the insufficiency of the complaints. In the Teza case it was also contended that a motorcycle is not a motor vehicle within the meaning of the statute, as it may be operated by pedalling. The court decides against this contention.

The arguments for the defendants and against the constitutionality of the Bailey law were made by William W. Niles, of Niles & Johnson.

## *EXPECT NEW LAW NOW.*

### *Automobilists Pleased at Decision—Say Regulations Will Be Changed.*

The decision of the Court of Special Sessions on the Bailey Automobile law was generally welcomed by automobilists yesterday, and the opinion was freely expressed that the bill would be changed this fall.

G. F. Chamberlain, who is one of the charter members of the Automobile Club of America, said that it was unusual for the Court of Special Sessions to decide on the constitutionality of the law, and that he did not think that an appeal would be taken, because the law has got the courts all mixed up. He added that the Bailey law would probably be amended next fall. He told of an automobilist having several numbers on the back of his machine, and when asked what they all were said that one was his house number, his telephone number, his office number, and so on. Mr. Chamberlain said that he hoped to see the time when all legislative discriminations against automobilists would be set aside as unconstitutional.

Secretary Samuel Butler, of the Automobile Club of America, said that the decision was a great victory for automobilists, and practically accomplishes the object of the test case—to assure new legislation on automobiling next winter.

The result, he said, would probably be that drivers will take the numbers from the back of their machines, as there is no provision in the State requiring them, and if this action was taken the police would have difficulty in enforcing the speed law, as it will be hard to identify the machines. As he understood it, he continued, the overthrow of the one provision does not affect the other provisions in regard to speed and signs.

N. W. Niles, who represented the Automobile Club of America in the McWilliams case, said:

This is an opening wedge for the framing of a fair automobile law next year. I believe that it will result in automobilists and those opposed to the present methods of operation meeting on common ground and thoroughly thrashing out the question. I am sure that the decision will be sustained on appeal. This decision covers the operation of machines in the city.

## WHAT THE BAILEY "AUTO" BILL IS.

### Its Passage Caused Much Discussion and Its Provisions Have Been Severely Criticised.

When the Bailey law was passed in the legislature by a vote of 90 to 29 there was little or no opposition, chiefly because it was indorsed by the Automobile Club of America, through its law committee. When its provisions became better known and understood, however, a day or two later there was a vigorous and general protest. There was great dissension among the members of the automobile club and criticism against the action of the law committee in failing to submit a report to the board of governors before the passage of the bill was outspoken.

On May 6 the National Association of Automobile Manufacturers, which had previously made public a resolution of protest, and other manufacturers, headed by De Lancey Nicoll and Charles T. Terry, went to Albany, and in a public hearing asked Governor Odell not to sign the bill. But it was to no purpose, as the measure went into effect on May 23.

Its provisions limit the speed of automobiles to eight miles an hour in cities, fifteen miles where houses are one hundred feet apart; twenty miles in towns or villages, except when passing vehicles or pedestrians. There were various conditions where even this speed limit was lessened, as, for instance, when passing a schoolhouse between the hours of 8 and 4 o'clock, or churches on the Sabbath, speed must be reduced to ten miles an hour.

Other sections compelled the registration and numbering of all machines and their descriptions by the owners and the obtaining of certificates by operators. The registration fee was $1, and all applications were required to be filed with the Secretary of State. There are in this State alone 6,410 automobiles and 1,698 certificates.

Hardly had the law gone into effect when there was a clash between the provisions of the Bailey law and the municipal ordinances over the question of the speed limit.

In its first clause the former reads in effect that no ordinance, rule or regulation adopted by the authorities of any city shall require a slower speed than eight miles an hour, and under the conditions previously noted fifteen or twenty miles. A local ordinance, however, eliminating all conditions prohibits a speed exceeding eight miles, and makes a violation a misdemeanor under Section 666 of the Penal Code.

## TO STAMP OUT RABIES.

### Twenty-two Cows and One Hundred Dogs Killed in Orange County.

Newburg, N. Y., Aug. 7.—The State Department of Agriculture has taken action to stamp out rabies in the town of Montgomery, Orange County. Twenty-two cows have died of the disease in the town, and one hundred dogs have been killed. Commissioner Wieting has ordered all dogs in the town to be confined or muzzled.

### UNDER THE BAY.

**Interesting account of the progress being made in boring the tunnel under the Bay to connect the Battery and Brooklyn. In to-morrow's Tribune.**

## *ARTIST'S RIGHTS TEST.*

### *Court to Decide if W. De L. Dodge's Paintings Can Be Altered.*

### WHY SOME CHANGES ARE DESIRED.

The application by William De Leftwich Dodge for an injunction to restrain the Allied Arts Company, the Tiffany Studios and the Schmitt Brothers from altering several mural paintings which he recently completed for the King Edward Hotel, of Toronto, Canada, involves primarily the question whether the purchaser of an artist's work has the right to alter that work against the artist's will and at variance with the preliminary drawings which had been accepted and carefully followed. Mr. Dodge's application for an injunction, pending trial of action, which was to have been argued yesterday before Justice Freedman, of the Supreme Court, was postponed until Tuesday by consent of counsel.

The paintings by Mr. Dodge are a series representing historical scenes in Canada. They depict the arrival of the Baron de Courselle and the Marquis de Tracy with French wives for the early settlers, the discovery of Canada by Cabot, and General Wolfe reciting "Gray's Elegy" to his men before the battle of Quebec. Mr. Dodge says that the preliminary studies in color which he presented were fully approved by E. J. Lenox, the architect of the hotel, and that the work met with his approval as it went along, as is shown by the fact that he authorized the payment of considerable sums during the progress of the work, but that for some reason, after the paintings were in place, Mr. Lenox found fault with them and refused to pay the Tiffany Studios, with whom he had contracted for the work, unless certain changes were made. Mr. Dodge thinks the fault is chiefly that the paintings are hung in a weak light, which makes them appear dark. Mr. Lenox's demand is, chiefly, that they shall be made more "bright and sparkling," and to that end he chiefly wants more sky.

One of the pictures with which Mr. Lenox finds fault, says Mr. Dodge, represents a group of Indians clustered around a mass of allegorical trophies, which form a dark background, throwing the Indians into strong relief before it. Mr. Lenox wants the mass of trophies painted out with blue sky, which Mr. Dodge says would spoil the whole effect of the picture. Another change is in the picture of Wolfe reciting the "Elegy." This is also too dark for the architect, and he wants it made into a daylight scene, in direct defiance of historical accuracy. Other changes which are wanted would destroy the whole artistic effect of the pictures, according to the artist.

"I'm willing to do anything I can to satisfy them," said Mr. Dodge at his studio yesterday. "I've tried everything I can think of that I can do without spoiling the pictures. I offered to go up there and try to lighten the paintings if they would pay my expenses, but that didn't suit them, for there are some things I couldn't do. I expect to lose a good deal of money by this—all the expenses of the trial and the $2,000 which is still due me—but I won't have my pictures spoiled if I can help it. I did the work for less than I might have asked, because I wanted to have some good work in the colony, and I think they are, on the whole, the best thing I have done in this country. They offered to take my name off the pictures, but that would be robbing me of the work I have done. And I can't have inartistic work over my name, either. There is nobody but Lenox who has had any fault to find with them. If they were not right I would be only too glad to change them. As it is I can't do it."

At the Tiffany studios it was said that they knew very little about the injunction and did not care to make a statement.

The basis upon which Mr. Dodge has brought action is, according to his attorneys, Pryor & Harris, of No. 68 William-st., that an artist has the unqualified right to restrain any one from tampering with the products of his brush. Mr. Harris said yesterday: "It is a great wrong to any artist to change his work after he has finished it, especially after the preliminary sketches have been accepted. It has been decided that no one has a right to change or add to the work of a writer, and it is doing as great an injury to an artist to change his. It swindles the public and is unfair to the artist. A man signs his work as his own, not as a tinkered and changed thing."

[BY TELEGRAPH TO THE TRIBUNE.]

Toronto, Aug. 7.—Mr. Lenox, architect of the King Edward Hotel, says he is not troubling himself about Mr. Dodge's injunction in New-York. According to him, his contract with Tiffany is under Canadian law, and any suit to be effective must be brought under this law. "When the order for mural decoration in the King Edward Hotel was given," he said, "New-York people took measurements from a rough draft and got them wrong. There is a dispute between Tiffany and Dodge as to this mistake, each trying to fix the responsibility on the other. When the pictures came it was found they were too large for the space assigned to them. I rejected them. Tiffany's manager came to take a look, and took one of the murals down, asking the privilege of rectifying the others. This meant decapitation of some of the figures; at least, cutting off their hats. On others there had to be lopping off of the feet of some of the characters, thus changing proportions. If these hats and feet had not been cut off the people couldn't get all of themselves into the picture."

As to the Wolfe picture, Lenox said that what he objected to was the hanging of a night scene on the dark part of the wall; it should have light upon it in order to bring out its beauty. "When the pictures were curtailed and decapitated," he said, "the artist's name was cut off, and had to be moved up a foot. Another artist has been called in to remedy these defects. If he succeeds well and good; if not, Tiffany will still need the architect's acceptance."

## THE WEATHER REPORT.

### Yesterday's Record and To-day's Forecast.

Washington, Aug. 7.—There were general showers Thursday night in the Atlantic States and East lower lake region, but during Friday the weather has been mostly clear east of the Mississippi River. West of the river to the Rocky Mountains the weather has been partly cloudy, with local thunderstorms over the middle and northern districts. Comparatively low temperatures prevail east of the slope region except in the Southern States, the average departure from the normal being about eight degrees. West of the Rocky Mountains the weather has been generally fair, with high temperatures in the interior and local showers in the southern plateau.

Conditions are once more unsettled in the West and there will be showers Saturday in the West Mississippi Valley, the slope region and the extreme Southwest, followed by fair weather Sunday. Showers are also probable Saturday on the South Carolina and Georgia coasts. There will be showers Sunday in the Southern States, the Ohio and middle Mississippi valleys and the lake region. In the Middle Atlantic States and New-England the weather will be generally fair Saturday and Sunday.

It will be warmer Saturday from the upper Mississippi Valley eastward except along the Atlantic Coast. It will be cooler Saturday in the West Gulf States and middle slope.

On the New-England Coast the winds will be fresh west to north; on the Middle Atlantic Coast fresh north to northeast; on the South Atlantic East Gulf Coasts light to fresh and variable; on the West Gulf Coast light to fresh south on the upper lakes light to fresh and variable, though mostly southern, and on the lower lakes light and variable, becoming southeast.

Steamers departing Saturday for European ports will have fresh northwest to north winds, with fair weather to the Grand Banks.

FORECAST FOR TO-DAY AND SUNDAY.

For New-England, fair to-day; Sunday partly cloudy, warmer in interior; fresh west to north winds Saturday.

For the District of Columbia, Maryland and Western Pennsylvania, fair to-day; Sunday fair, warmer; light north to east winds.

For Delaware, fair to-day and Sunday; light to fresh north to east winds.

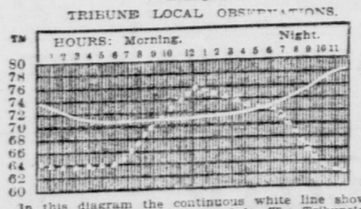
For New-Jersey, fair to-day and Sunday; warmer Sunday in interior; light to fresh north to east winds.

For Eastern New-York, fair to-day; Sunday partly cloudy; probably showers and warmer in interior; fresh north to east winds on the coast.

For Western Pennsylvania, fair, warmer to-day; Sunday partly cloudy; probably showers and cooler in afternoon; light to fresh east winds.

For Western New-York, fair, warmer to-day; Sunday partly cloudy; probably showers in afternoon, with cooler in west portion; variable winds.

TRIBUNE LOCAL OBSERVATIONS.




In this diagram the continuous white line shows the changes in pressure as indicated by The Tribune's self-recording barometer. The dotted line shows the temperature as recorded by the local Weather Bureau.

The following official record from the Weather Bureau shows the changes in the temperature for the last twenty-four hours in comparison with the corresponding date of last year:

| | 1903. | 1902. | | 1903. | 1902. |
|---|---|---|---|---|---|
| 3 a. m. | 64 | 65 | 4 p. m. | 73 | 70 |
| 6 a. m. | 64 | 64 | 6 p. m. | 72 | 72 |
| 9 a. m. | 67 | 69 | 9 p. m. | 64 | 70 |
| 12 m. | 73 | 72 | 11 p. m. | 61 | 69 |
| 3 p. m. | 74 | 75 | 12 p. m. | — | 69 |

Highest temperature yesterday, 76 degrees; lowest, 61; average, 67; average for corresponding date last year, 70; average for corresponding date last twenty-five years, 73.

Local forecast—Fair to-day; Sunday, partly cloudy; probably showers; fresh north to east winds.

# FIRING OFF BAR HARBOR.

## *NIGHT FAVORS ATTACK.*

### *Heavy Cannonading at Sea Startles the Landlubbers.*

[BY TELEGRAPH TO THE TRIBUNE.]

Bar Harbor, Me., Aug. 7.—Shortly after 10 o'clock to-night a few stray cannon shots were heard here. It could not be exactly located. Then there was heavy cannonading that seemed to come from two opposing forces. Men along the shore say the sound came from Lamoine, but there seems to be little reason for the enemy to be there, as the channel is not deep enough for the battleships to come through. To others it sounded as if the firing was off Schoodic Point, to the open sea. If this is the case, the enemy is either trying to overpower the two scout boats, the Newport and the Hartford, or has run into the fighting force of Admiral Barker's fleet, which is near Egg Rock light. The firing ceased in about twenty minutes. The chances are against the enemy running in here to-night.

The land station attempted to communicate with different points along the shore, but all the telephone and telegraph operators had closed for the night. Northeast Harbor heard no firing, nor did Ellsworth, and they were the only two places that could be reached. The shore officers here sent out the tug Nina, which was stationed here for an emergency. The night is an ideal one for action. A heavy rainstorm at 9 o'clock beat down the fog and thick clouds hid the moon. It is as dark a night as the enemy could wish.

## *LION LOOSE AT LUNA PARK*

### *One Man Hurt in Wild Scramble at Coney Island.*

### CLUBS DRIVE ANIMAL BACK.

One of the lions used in the performance of Mme. Schell, at Hagenbeck's animal show, Coney Island, got out of its cage into the pavilion late yesterday afternoon. The show was free, and many men, women and children were watching it. The cry "Lion loose!" caused a frantic scramble to get out.

Sol Moshe, a professor of languages, living at No. 699 Sackett-st., Brooklyn, who is partially paralyzed on the right side, was knocked down in the scramble, and received a contusion of the right hip. He was taken to the Emergency Hospital.

Mr. Williams, manager of the show, went after the animal with his employes. They were armed with clubs. They drove the lion back into its cage.

In Luna Park, where the show is exhibited, there was great excitement for a few minutes. Many people left the park, which was well crowded at the time.

Messrs. Thompson and Dundy, of Luna Park, who engaged Mme. Schell to come, with her three lions, from Los Angeles, Cal., have cancelled their contract with her.

The lion got out of its cage because Mme. Schell's husband, to whom the animals were unaccustomed, went into the cage and did not close the door behind him securely.

Mme. Schell and the lions were engaged by Bostock after the Luna Park management had terminated their engagement.

## *HORSE SHOW RUNAWAY.*

### *Harness Pair Nearly Causes Accident at Bay Shore.*

### PRIZE FOR MRS. A. G. VANDERBILT.

There was a narrow escape from a serious accident yesterday at the Bay Shore Horse Show, at Oakwood Park, Bay Shore, Long Island, when the harness pairs over 15.1 hands were being judged. While half a dozen teams were being driven around the ring one of the pairs, Promoter and Underwriter, owned by Jay F. Carlisle, of Brooklyn, bolted.

The coolness of Charles Quick, the groom, and the forethought of some one who pulled aside the bars blocking off the park's mile track, saved an accident.

The groom held his runaways safely around the ring. Then, in front of the entrance to the track, he made a great swerve, and went through the gate. Before they had gone half around the track the horses had dropped to an easy lope.

Except for this no exciting scene marked the second day of the Bay Shore show. It was, before all else, a day of harness classes. The principal exhibitors were G. Trowbridge Hollister, F. G. Bourne, Herbert C. Eppell, Alfred G. Vanderbilt, the De Cerneas, James H. Hyde and Mrs. Albert Young. In the saddle and the polo pony classes the exhibitors were Mrs. Edwin Kirkland, Harry T. Peters, Mrs. W. E. Katman, Clarence H. Robbins, Sidney J. Holloway, Frederick W. Okie and B. V. H. Vingut.

Coppell once more gathered in the most ribbons, his wins comprising one first, two yellows and one white. In points, G. Trowbridge Hollister led for the day, with two firsts and one yellow to his credit. F. G. Bourne was close to him, with two firsts and one white. Alfred G. Vanderbilt got three ribbons, one red and two yellows, against his solitary white of the day before. Harry T. Peters took a first, a red and a yellow. James H. Hyde's winnings were two reds and one yellow. Clarence Robbins took two prizes, a first and a red. Sidney J. Holloway got a first and a white, Mrs. A. De Cernea a first and a white, and Frederick W. Okie a yellow and a white.

Other ribbon-getters of the day were:

E. J. Robbins, a first; J. Lorimer Worden, a white; Charles F. Hubbs, a yellow; Miss Mary B. Catlin, a red; Mrs. Edwin Kirkland, a first; Mrs. W. E. Katman, a white; Edward C. Blum, a white; Mrs. Albert Young, a yellow; Mrs. Murke Roche, a red; Mrs. J. B. M. Grosevnor, a red; B. V. H. Vingut, a white; H. S. Nicholas, a red; Mrs. George Watson, a red.

Among those present were

William F. Wharton, formerly secretary of the National Horse Show Association, and Mrs. Wharton; Mr. and Mrs. Henry O. Havemeyer, Miss Electra Havemeyer and Miss Adelaide Havemeyer, Mr. and Mrs. J. Ives Plumb, Mrs. Alfred G. Vanderbilt, Reginald Vanderbilt, Mr. and Mrs. Schuyler Parsons, Frederick G. Bourne, the Misses Bourne, Mr. and Mrs. Arthur Keeler Bourne, Mr. and Mrs. John Gibb, Clarence H. Robbins, Mr. and Mrs. George J. Weaver, Miss Ethel Moore, Edwin Kirkland, Louis Haight, John H. Shults, Mr. and Mrs. Harry T. McCoon, Mr. and Mrs. John Gibb, Commodore and Mrs. J. Adolph Mollenhauer, Mr. and Mrs. Charles F. Hubbs, Mr. and Mrs. Bradish Johnson, Mr. and Miss Henry Meyer Johnson, Samuel T. Peters, Miss Peters, Mr. and Mrs. Richard F. Carman, Mrs Burke Roche.

The tandem class was by all odds the class of the day. Those it brought forward included F. G. Bourne's The Squaw and Jennie Neil, Trowbridge Hollister's Fascination and Elevation, Alfred Vanderbilt's Sinbad and Cinderella, Herbert Coppell's Maplewood and Highwood, James H. Hyde's Black Pearl and Honey, Jay Carlisle's Promoter and Underwriter, Mrs. Albert Young's Act a Bit and Step a Bit (driven by John H. Schults), and Herbert Coppell's Wilmot and Professor.

The award went to F. G. Bourne's The Squaw and Jennie Neil, second ribbon to Alfred G. Vanderbilt's Sinbad and Cinderella, and third and fourth ribbons, respectively, to Herbert Coppell's Maplewood and Highwood, Wilmot and Professor.

A woman's driving harness class came later in the afternoon, and in this Mrs. Alfred G. Vanderbilt got a yellow ribbon with her husband's brown gelding, Sinbad. Miss Grace Coppell, driving Herbert Coppell's Maplewood, took first in this class, with Miss Belle Beach carrying Mrs. J. B. M. Grosvenor's Conqueror to second ribbon, and Mrs. G. Herbert Potter gaining the white for Mrs. A. De Cernea's Sporting Duchess.

## JOSEPH JEFFERSON BUYS PROPERTY.

### The Veteran Actor Secures E. A. Taft's Home Near Buzzard's Bay.

[BY TELEGRAPH TO THE TRIBUNE.]

Buzzard's Bay, Mass., Aug. 7.—Joseph Jefferson has purchased from Edward A. Taft, president of the New-York and Boston Dispatch Express Company, his summer home on Buttermilk Bay. This acquisition brings Mr. Jefferson's holdings here up to nearly 200 acres.

### AN ENGAGEMENT.

Detroit, Aug. 7.—Miss Mary Harrington Thompson, daughter of John P. Thompson, of Port Huron, Mich., will shortly become the bride of Josiah Copley Thaw, son of the late William Thaw, of Pittsburg, and brother of the Countess of Yarmouth. The announcement of the engagement was made to-day by Mr. Thompson. The date for the wedding has not yet been decided on, but it will probably take place in the autumn.

## *WANTS BAILEY LAW USED.*

### *Magistrate Says Arraignments Should Be Made Under It.*

James Arkell, of No. 534 Fifth-ave., Manhattan, with a party of friends from Dakota, started on Thursday afternoon to go to Manhattan Beach in an automobile. When the machine was going pretty fast along Ocean Parkway, Mounted Patrolman Rutherford, of the Prospect Park station, Brooklyn, arrested Mr. Arkell at Webster-ave. on a charge of violating a park ordinance. He said the machine was going at the rate of about fifteen miles an hour.

Mr. Arkell gave bail to appear in the Flatbush court yesterday morning, but was not present when the case was called. Magistrate Voorhees adjourned the case till next Thursday. Mr. Arkell, who returned recently from Mexico, is said to be a son of W. J. Arkell, of "Judge."

Despite the fact that the Bailey law, penalizing the operating of automobiles at an excessive rate of speed, has been in effect for some time, the police continue to arraign automobile prisoners under the city and park ordinances. It is said that the commanding officers of the precinct have not as yet received instructions and copies of the new law from Commissioner Greene. As the provisions of the new law and the ordinances are quite different, magistrates before whom the prisoners are brought charged with ordinance violations are puzzled how to act.

Magistrate Voorhees asked Officer Rutherford, who arrested Mr. Arkell, why he did not prefer a charge against him under the existing law. The officer replied that he did not know anything about it, and that the arraignment was made under instructions. Magistrate Voorhees replied that arraignments should be made under the existing laws, instructions or no instructions.

## *MAD; WROTE MISS GOULD.*

### *G. A. Madden Sent to Asylum—Thought He Would Wed Her.*

### WAS WELL KNOWN IN PITTSBURG.

After writing letters for some time to Miss Helen Gould, in which he declared his love, George A. Madden yesterday was sent to the Long Island State Hospital for the Insane by Judge Aspinall, in the County Court, Brooklyn.

Madden last Friday threatened the life of his niece at his home in Corona, Long Island, and was taken to Long Island City, where Judge Connorton committed him to the Flatbush Hospital for observation. After an examination by Drs. J. O'Connell and Sidney D. Welgess, who found him insane, he was brought before Judge Aspinall for commitment.

About three years ago Madden was an inmate of the Flatbush asylum, but succeeded in being released through habeas corpus proceedings, which were brought before Justice Gaynor. On regaining his liberty he began suit to recover $10,000 damages from the hospital authorities and Dr. Duryea for alleged detention. The jury in less than ten minutes brought in a verdict for the defendants. He has since been confined in Dr. Carpenter's sanatorium in Flushing.

Among the papers found in the possession of Madden, whose hallucination seems to be that he is about to be married to Miss Gould, and that she is deeply in love with him, was an article prepared for publication, giving an account of his and Miss Gould's marriage, in which he says:

As is well known in her circle of acquaintances, Miss Gould has believed that she would some day meet her ideal, she having frequently stated so to many, but no one imagined or suspected that Mr. Madden was the fortunate holder of the key which unlocked the gem of the pure heart of the bride.

The fact is that neither Miss Gould nor Mr. Madden have never seen each other in their true light until the afternoon preceding the ceremony. The couple will sail for Europe in a day or two.

Madden says in a letter addressed to Miss Gould:

The betrothal ring is on the small finger of my left hand, but it is still in HOC. But it will be yours. The power that Moves has moved well into the hour which is near. Tarry not, for all is over in this, the beginning of the ending of the first lesson to the world of worlds.

By order of the King you are commanded by word of love to prepare for the reunion of the soul. Fear not any wrath or Fury. The God lives and rules in the Blue for ages.

O, my beloved, come. I kiss thy brow and salute thee. Though I be meek and lowly, like thee, I love, I love, I love H. G.

Yours forever, GEORGE.

Madden denied before Judge Aspinall that he had written to Miss Gould, but refused to say who "H. G." is. He remarked that some time ago a messenger dressed in Mahometan costume called on him and changed rings with him, but the ring he gave was the more valuable of the two.

Pittsburg, Aug. 7 (Special).—George A. Madden, was formerly one of the best known newspaper men of Pittsburg. For a number of years he was managing editor of "The Pittsburg Dispatch," and was also financially interested in the paper. He left Pittsburg about eight years ago for New-York, where he acted as the Eastern representative of "The Dispatch." About five years ago his peculiar actions caused an inquiry to be made as to his sanity, and he was placed temporarily in an asylum. Though his mind has become unbalanced, Mr. Madden has never been considered dangerous. He has many friends here.

### THE MAINE COAST IN DANGER

**of being captured by Uncle Sam's navy. Plans which the army is making to prevent an effective landing. In to-morrow's Tribune.**

## PROFESSOR LANGLEY ORDERED OFF?

### Much Criticism Aroused Over His Airship Experiments.

[FROM THE TRIBUNE BUREAU.]

Washington, Aug. 7.—The president of the Mount Vernon Ducking Association has issued an order prohibiting the use of Chappawamsic Island, the headquarters of the association, by any person other than a member of the club or the personal guest of a member. As Professor S. P. Langley, secretary of the Smithsonian Institution, has been using the island and the clubhouse as headquarters for his airship experiments, and has quartered at the clubhouse a force of employes and mechanics, this order is assumed to be aimed directly at him, especially as it is accompanied by instructions that all persons aside from members and their personal guests must depart immediately.

Since Professor Langley's force has been established at the Mount Vernon Club a number of newspaper correspondents have been detailed to watch the progress of affairs on the island, and against these the scientific force has been especially bitter, forbidding any newspaper man to set foot on the island. This condition of affairs had prevailed for some time, when Truxton Beale, former Minister to Persia, and a charter member of the club, appeared on the scene, and immediately invited the newspaper men to share the hospitality of the club as his guests, at the same time criticising the air of proprietorship exhibited by the Smithsonian employes. Mr. Beale remained only a short time, and since his departure the newspaper men, while tolerated on the island, have made no use of the clubhouse. It is now supposed that a protest from Mr. Beale prompted the peremptory order issued to-day by the club's president.

In view of the fact that the airship experiments are being carried on at government expense, the board of ordnance and fortifications of the War Department having furnished approximately $50,000 for the purpose, and the time of Smithsonian employes has been devoted to the experiments, the secrecy with which it has been attempted to surround them and the lack of consideration for the press have occasioned severe criticism of the entire undertaking in Washington, where little faith is placed in the utility of the enterprise.

## FORBIDS CRUELTY TO HORSES.

### Secretary Root Prohibits Docking, Banging or Clipping.

Washington, Aug. 7.—The Secretary of War has issued a general order designed to prevent cruelty to horses in the military service. It is as follows:

Any alteration in the length or shape of the tails, manes or forelocks of public horses by docking, banging or clipping is hereby prohibited, and only such reasonable trimming and plucking as may be necessary to prevent shagginess of appearance will be permitted.

### 71ST REGIMENT.

**Photograph and description of the plans for its new armory in to-morrow's Tribune.**

# BIG FRESH AIR DAY.

## *Three Hundred and Nine Children Sent to Country Fields.*

There was a bright day again yesterday and a big day's work done by the Tribune Fresh Air Fund. Three more large companies of children went yesterday to the homes at Interlocken, Mass., as guests of John E. Parsons, Ashford Hill, N. Y., and Chapel Hill, N. J. Besides these, thirty-one went to Williamstown, Mass., and four to Westfield, N. J., making in all 309 children sent out by the fund in the day. Interesting reports continue to come in from the different places where the New-York guests are being entertained.

In the party that went to Middlesex, N. Y., last Wednesday were three little girls out of a family of ten persons. They live in three rooms in a "double-decker" tenement house down in "Hell's Kitchen." The father earns about $9 a week when at work, but his industrious streaks are irregular and the family income consequently precarious.

The oldest girl, a child of fourteen, works in a carpet factory and could not take a vacation, as her $2 50 a week could not be spared. A place had been provided for her, but the family vetoed the trip.

Sleeping car accommodations are palatial and commodious compared with those in this home. One of the two beds is occupied by the father, mother and the two youngest children. In the other, a folding bed, sleep two boys, eleven and twelve years old, and four girls, fourteen, nine, seven and five years of age. Little Tessie, aged seven, declared: "It's nice an' warm in the winter, but pretty hot in the summer time, sometimes." The youngest one, going to Middlesex this season, has never seen the country nor even a park before, and says she has "never seen a chicken yet."

The missionary in charge told a tale of another family of ten which has two representatives in the Middlesex party. "The father is sickly," said she, "and able to work only half the time. One boy and one girl have irregular employment. The mother begged so hard to have me send Joe, aged nine, away. 'For he has never seen the country in his life,' she said. The sister, twelve years old, was all expectation, and every time she saw me asked, 'Do you think the doctor will pass me? For if I can't go, Joe must stay home, too.' The hostess to whom they are going wants a brother and sister. The girl has been away before.

"Last winter, when the mother was ill, I went there and found the child had just been doing the family washing. A great boiler of clothes was on the stove, while a tubful, all washed, was waiting. The mother apologetically said: 'I know the child ought not to do it, but what can I do?' This little girl had curvature of the spine when she was a baby, but has been cured, though still small and delicate. She informed me that she didn't 'think it was good to play too much, 'cause it makes you lazy.' She also complained that she couldn't sleep at night because the 'lady' next door fights with her husband until 1 and 2 o'clock, and always gets by the airshaft window, where every one can hear her.

"Another little girl whom I prepared for that party went away for the first time last year. She asked me if she was going 'to Mrs. Buck's country or another one.' Mrs. Buck is her hostess of last year. She also told me that the other girls went in bathing every day in the river, but that she never went with them. When pressed for a reason as to why she did not go in bathing, she said, 'Well, you see, I'd never been in bathing and didn't know how.'

"This child's mother is supporting four little ones, the father having deserted her about three years ago. The eldest one, aged eleven, cannot go away this summer, for she is 'minding the butcher store's baby,' for which she receives $3 a month.

"Two other children there come from a rear tenement. The outlook is upon a court from the four sides of which representatives of over forty families watch the stranger who enters. When I first asked the janitor regarding the size of most of these families, she said: 'The most of them has lots of children, but some of our tenants is just couples' (this rather proudly). Then she supplemented the information with the statement that 'them that had no children kept boarders, but they was mostly men and away all day, so they wasn't any bother in the court.'"

These are some of the lights and shadows found by the Fresh Air workers. There are many more such children hoping for a chance to get away from their squalid surroundings for two weeks and only waiting for the generosity of the kind friends of the fund.

ACKNOWLEDGMENTS.

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| A. F. N. | $10 00 |
| "In Memoriam of C. McM." | 5 00 |
| S. W. | 10 00 |
| "Dr. H. H. H., Rutherford, N. J." | 5 00 |
| Junior Mission Band of Chestnut Street Presbyterian Church, Erie, Penn., through R. S. Van Cleve | 14 50 |
| Mrs. Carrie L. Tuthill, Moravia, N. Y. | 15 00 |
| A. L. | 25 00 |
| "Bessie," Hartford | 5 00 |
| Marguerite Cappa | 3 00 |
| Beekman Hill Sunday School, through Harry Gee, assistant superintendent | 10 00 |
| Previously acknowledged | 13,076 18 |
| Total, August 7, 1903 | $13,178 68 |

[The Tribune Fresh Air Fund was the first movement of the kind in the country. Every other one, here or elsewhere, has been started after or in imitation of this pioneer. The Tribune cordially welcomes all colaborers in the field; but, without wishing to deprecate in the least the work of others, thinks it its duty to remind readers that the Tribune Fresh Air Fund is, so far as known, the only one in which absolutely every dollar contributed by the public goes directly to the work of sending a poor child to the country, keeping him there for two weeks and bringing him back again. Every $3 insures such a vacation to at least one child. There have been years in which, owing to the magnitude of the operations of the Tribune Fresh Air Fund, such a result was insured by every $2 50. No collectors are ever employed, and all collections made for it are purely voluntary. All expenses for organization, agents and the general machinery of the charity are privately defrayed by The Tribune itself and by the trustees of the fund. There are no percentages to collectors to come out of the contributions of the public, and no payments to agents, managers, secretary or others. Every dollar goes straight to the benefit of a child.]

## SUNDAY PAPERS ON SPECIAL TRAIN.

### Postmaster General Payne Grants a Petition from New-York Newspapers.

Washington, Aug. 7.—Postmaster General Payne to-day directed that beginning next Sunday the New-York Sunday morning papers be carried on the special train leaving New-York at 3 o'clock in the morning for connection with train No. 61 of the Rutland Railroad. This will be done hereafter every Sunday, in compliance with a petition from most of the New-York newspapers.

## OBITUARY.

### OLIVER G. HILLARD.

Oliver G. Hillard, fr many years identified with Wall Street interests, died on Thursday in his home, No. 217 East Seventeenth-st., from septic pneumonia, in his eighty-first year. The funeral will take place to-morrow afternoon at the home of W. A. White, No. 158 Columbia Heights, Brooklyn. Mr. Hillard was enjoying excellent health when, on Thursday of last week, he was struck by a Broadway car. He was not knocked down, but was badly bruised, and recently pneumonia set in. His health for many years had been so vigorous that he never wore an overcoat in the coldest weather.

Mr. Hillard came of an old Boston family. He left Boston in early manhood for New-York, and for forty years had been connected with an office in Wall-st. He retired from business about fifteen years ago. He was a bachelor, and a man of quiet, art loving tastes. Among artists he enjoyed a large acquaintance, and collected many paintings, which he prized highly.

Mr. Hillard was a brother of the late George Stillman Hillard, the writer of school books and th law partner of Charles Sumner. He leaves a brother, James Otis Hillard, a banker, of Boston, and three nieces—Mrs. W. A. White, of Columbia Heights; Mrs. R. H. Loines, of Garden Place, Brooklyn, and Mrs. Winslow Bell, of Poughkeepsie.

### GENERAL A. E. WOODSON.

Paola, Kan., Aug. 7.—Brigadier General A. E. Woodson, U. S. A., retired, died here to-day, aged sixty-two years. He was in the military service forty-one years. He will be buried in the National Cemetery, at Arlington, Va.

### CAPTAIN CHARLES EGNOR.

Catskill, N. Y., Aug. 7.—Captain Charles Egnor died here to-night, aged seventy-four years. He was a well known boatman, and in early life sailed the Hudson River passenger sloops. He was in California in the gold fever days, and in the 50s was the first man to offer smoked sturgeon for sale in New-York. Unable to dispose of his first cargo Captain Egnor was obliged to throw it overboard.

### HENRY S. LOUCHHEIM.

Philadelphia, Aug. 7.—A cable disaptch received here to-day announced the death at Zurich of Henry S. Louchheim, of the banking firm of H. S. Louchheim & Co., of this city. He was seventy years old, and well known in financial circles.

### JUSTICE KEOGH DANGEROUSLY ILL.

Justice Keogh, of the Supreme Court, Second Department, is dangerously ill at his home, in Pelham Road, New-Rochelle. He was taken ill on Monday. At first no alarm was felt by his family, but on Thursday his condition became so serious that a specialist had to be called. W. Bourke Cockran, the judge's close friend, was summoned yesterday from this city. He will remain in New-Rochelle for a few days, at least.

## *Married.*

CORNING—LUQUEER—At Rye, N. Y., Thursday, August 6, 1903, by the Rev. Douglas Putnam Birnie, Matilda Parsons Corning Luq