# JOHN S. WISE PROTESTS.

## DEFENDS RAYMOND & CO.

### Declares Contract with Mutual Valid —Denounces Suits.

John S. Wise, who is counsel for Charles H. Raymond and Louis A. Thebaud in the suits which are being brought by the Mutual Life, made a statement to a Tribune reporter last night in which he said that Raymond & Co. had a valid contract with the Mutual Life. Mr. Wise attacked the "newly bloomed philanthropists now in charge of the affairs of the Mutual company," and declared the courts would vindicate his clients. Mr. Wise's statement follows:

My firm does represent Raymond & Co. in any proceeding which the authorities of the Mutual Life Insurance Company may see fit to institute. Charles H. Raymond and Louis A. Thebaud are our clients. What I say is of my own motion, without consulting them, and because I feel that the grossly perverted statements daily disseminated against them, emanating from those now in charge of the affairs of that company, are an outrage upon two honest gentlemen who when they have an opportunity to be heard in an impartial tribunal will not only be fully vindicated, but will have the hearty sympathy of the whole community.

Perfectly aware of their uprightness and with nothing to conceal, the only criticism of them will be, when the facts are known, that they were too candid and open in the statement of a few facts to undisclosed adversaries, who, without permitting them to state all the facts, have deliberately sought to pervert the few elicited.

Raymond & Co. have a valid and binding contract with this company. When they were notified several months ago by the newly bloomed philanthropists now in charge of the affairs of the Mutual company that their current profits on their contract would be withheld, they did not refuse to perform their duties under the contract, but went on with it to its conclusion, giving notice that they would demand the fair profits held back from them.

To have refused to go on would have crippled the business they had done so much to build up. They would have sued the Mutual company before now for their profits if they had not listened to the assurance that, by waiting, the company might take an honest and fair view of their rights.

The new management has availed itself of all their services without showing them the slightest consideration or courtesy, and now suddenly announces its purpose to sue when it knew their purpose to sue the company. The first intimation given me of this purpose was a request to accept service of summons in three proposed suits. This was accompanied by no complaints showing the nature of these proposed suits.

In an interview with the counsel of the company I could get no satisfactory statement of their particular line of attack. My clients, eager to meet any or all issues, instructed me to accept service.

I did so yesterday, after midday, and while I could learn nothing from them of these proposed complaints, the newspapers this morning contained full particulars of what the Mutual company intends to claim in each suit. This information was obtained at the offices of the Mutual company, to which a band of reporters repair every afternoon for bulletins of the progress of this yet unborn litigation, and from which they emerge with a selected string of embryo charges of fraud.

It is a remarkable proceeding—one unprecedented in litigation of this magnitude. It can arise from but two causes: First, a pressure upon these new officials to appear to be doing something; second, a desire to create a prejudice in advance in their own favor and against my clients. I never practised law before in the newspapers, and if this case is to be tried by the public, I shall claim an appeal to the next general muster.

It it gets to court, as it shall, when the straight, unvarnished tale of Messrs. Raymond and Thebaud is told to an impartial court, not only will they be vindicated at law, but approved by everybody who loves fair play.

The very point upon which the strongest prejudice is now being wrought up against Mr. Thebaud, to wit, his share in the profits of the contract with Raymond & Co., will furnish unanswerable proof of the honorable generosity of his partner, and his own unusual ability in a reputable service. The oft repeated statement that this contract was unfair or unknown to any and every officer of that company will be shown to be a mere false pretence, and, unless the doctrine of estoppal and the legal maxim that one who has entered into a contract and had the whole benefit of it cannot repudiate it after another has more than performed his obligations under it are to be treated as nullities, this contract will stand.

This much is due to two grossly slandered, honorable men, to protect them from slanders until their day in court shall come. Newspaper assaults like these have gone far enough. My clients intend to fight. This sort of attack has put Mr. McCall in his grave and Mr. Alexander in an asylum, but my clients have health and strength, and a sense of right and a deeper sense of wrong done them.

They intend to fight these unjust and outrageous aspersions to a finish, and I ask the public to accept this, my first and last newspaper utterance, and suspend judgment until there is a legal adjudication of who is right and who wrong in this contest.

The Mutual Life may serve bills of complaint today on counsel for the McCurdys, Louis A. Thebaud and the Raymond company in the Mutual's suits for restitution and an accounting. It is the avowed intention of the defendants' counsel to fight the cases to a finish.

"We are willing to accept service in any suits that may be brought," said Lawrence Godkin, who is associated with De Lancey Nicoll in the defence of the McCurdys. "Thus far we have not received the complaints in the actions already begun."

William H. Truesdale said it was not true that John W. Griggs had been selected as counsel to the Truesdate committee of the Mutual Life.

Up to last night no indictments had been found by the grand jury against well known officials of the Mutual Reserve. It seems to be expected, however, that indictments will be found against at least three officials before the week-end. The hearings will continue to-day.

One of the complaints on which indictments will be asked is made by James E. Wells, a former employe, who alleges, in substance, that certain officials were sued in court as individuals, and paid the judgments out of the insurance company's funds.

The specific charge against some of the officers of the company will be larceny in sanctioning the payment of $7,000 by the president, in settlement of a civil suit against him personally, in October, 1901.

Among the witnesses, officers of the company, who will be examined, are William Porter, controller; George W. Harper, treasurer; E. M. Usher, assistant treasurer; Charles W. Camp, secretary, and E. A. Powers, auditor.

The officers of the company whose actions are being investigated are President Burnham, George Burnham and George D. Eldridge.

It is said that the investigation has shown falsification of the company's books to cover up the alleged larceny of $7,000, and that this charge may be fastened on some of the company's officials.

The grand jury took no cognizance yesterday of the "Big Three" insurance imbroglios.

Continued improvement in the condition of ex-President Alexander, of the Equitable, encourages his family to hope that he will recover completely from the effects of the surgical operation which he underwent last week. "So long as he continues to rest as easily as he is doing at present, it may be counted on as an improvement and a gain in strength," one of the attending surgeons told the family yesterday.

Samuel Untermyer, who has been asked to become counsel to the policyholders' committee being formed to overthrow the Peabody management of the Mutual Life and the Orr management of the New-York Life, was in Boston yesterday. It is said that Mr. Untermyer, while in Boston, had a conference with Thomas W. Lawson.

The clerks and employes of the New-York Life were permitted to view the body of ex-President McCall yesterday afternoon and evening, in the drawing room of Mr. McCall's home at No. 54 West 72d-st.

Mr. McCall's funeral will take place at the Church of the Blessed Sacrament, in West 71st-st., at 10:30 o'clock this morning.

### CASSIDY'S FOLLOWERS DESERTING.

Desertions from the Cassidy ranks in Queens have begun. The refusal of the organization formed by Borough President Bermel to join with the followers of Mr. Cassidy has resulted in a break which it is believed will bring about the final downfall of the ex-Borough President as leader of the Democratic organization in that borough. It was announced yesterday that Sheriff Joseph Meyerrose, who has all along been a strong Cassidy follower, had gone over to Bermel, and that Matthew J. Goldner, for a number of years Superintendent of Sewers of Queens and manager of the last Democratic campaign there, was also out for Bermel.

### MAYOR LIKES PADDEN'S APPOINTMENT.

Mayor McClellan said yesterday that he believes the appointment of Michael C. Padden as Water Register in the Water Supply Department was a good one. "I believe Mr. Padden will make good," the Mayor said. "He is a bright man, and as far as I can learn he has made good in every place he has held. The appointment made by Commissioner Ellison suits me very well."

### CUMMINS MUST PROVE LOBBY CHARGE.

Des Moines, Iowa, Feb. 20.—A resolution was introduced in the Senate to-day demanding that Governor Cummins be forced to prove the truth of his statement that the railroads of Iowa were using money to defeat the Primary bill. The names of what legislators, if any, have been recipients of money and of the masters of the intrigue who are spending the winter in Des Moines are demanded.

### ORDER FOR NETHERLANDS CONSUL.

Her majesty Queen Wilhelmina has bestowed on Henry Flemming, Consul of the Netherlands at this city, the Officer's Cross of the Order of Oranje Nassau.

# DR. PEMBERTON WARNED.

### Physician Shot by Daughter Gets Threat in Letter.

[By Telegraph to The Tribune.]

Long Branch, N. J., Feb. 20.—Dr. Harry H. Pemberton, who was shot recently by his daughter, Miss Charlena Pemberton, of late has been receiving anonymous letters of a threatening character. The last reads:

I advise you as a friend, take some steps get your family from our town. I see a calamity for you in a different direction than before and it may prove fatal. Don't be afraid to spend a little money in the right direction. Now do the right thing by your children. Give them enough to live on. You have made a big bluff this winter and you got it in the neck. You may get it worse unless you mend your ways. For once be a man. Your tongue should have been cut off years ago. Serve God, not the devil. Be quick. Do the right thing once.

The doctor upon making his will after the shooting filed a preamble, in which he refers to the attack made upon his life and the interference to having his daughter placed in the New-Jersey State Hospital, with the following:

Therefore, I am determined that if these persons or any one of them take or instigate another to take my life none of them shall reap any financial benefit from my assassination.

The doctor is worth between $75,000 and $100,000.

# MOCK DUCK ARRESTED.

### Panic Follows Rumor That He Had Shot a Man.

Chinatown was wildly excited last night, when, after the arrest of Mock Duck, it was rumored about that he had shot somebody. It was a long time before the Celestials would believe that there was no truth in the rumor.

Several raids were made, and the Chinamen filled the streets, running from place to place to give the word that there was "something doing." A saloon in Park Row was raided. There were a hundred men and women in the place, and they were thrown into a panic. Eight women and the alleged proprietor, Albert H. Curley, were arrested.

While this raid was going on, a lot of Chinamen were caught selling policy slips, the police say, on the top floor of a building in Pell-st. Four Chinamen were arrested. The Duck came to grief at this point, for when he went to the station to bail out the men he was arrested on the charge of attempt at bribery. Another alleged policy shop was raided later.

# IN DUEL WITH THIEVES.

### Jeweller Uses Revolver with No Effect—Loss Heavy.

Israel Rauth, a jeweller, of No. 415 8th-ave., was visited last night by two men who asked him to repair a watch chain, and after he had finished the job one of the men shoved a revolver in his face and told him to keep quiet, which injunction Rauth obeyed to the letter. While one man kept him covered the other quietly helped himself to jewelry valued at several hundred dollars.

So soon as they left the store Rauth called his wife and, taking a revolver, rushed after the men up 8th-ave. and west along 31st-st. He fired a shot to attract attention, and four others at the two men. They returned the fire, and Rauth's courage again wilted. The men disappeared in the maze of buildings at the excavations for the Pennsylvania terminal.

Rauth was loud in his denunciation of the contractors who have blocked the streets and the police who were not to be found. He says he was robbed in a similar fashion about a year ago. The police are now working on the case.

# TELLS OF BRIBE OFFER.

### Miss Carroll Springs Sensation in Oatman-Watrous Case.

There was a mild sensation yesterday in Part XI of the Supreme Court, where Mme. Oatman, a dressmaker, is suing the estate of the late Walter W. Watrous to recover $5,975 for dresses furnished to Mrs. Katherine Ballou, who was also known as Mrs. Watrous.

Miss Margaret C. Carroll testified that she was a companion of Mrs. Ballou, and while the suit was being prepared she was called to the law office of Robert L. Cutting, counsel for Mme. Oatman, and was offered $100 if she would sign a certain statement.

She says she told Mr. Cutting that he had better not call her as a witness, as she would hurt his side of the case. Miss Carroll testified that Mr. Cutting had told her she had better leave the town and stay away until the trial was over.

Later on in the trial Mr. Cutting denied Miss Carroll's accusations. He said that she had demanded $500 from Mme. Oatman before she would sign any statement or testify at the trial.

Miss Carroll testified she was a friend of both Mr. and Mrs. Watrous. She said she had been a collector for charity since 1892. When asked if she was not ashamed of her friendship with Mr. and Mrs. Watrous, Miss Carroll said: "No, I collect for charity to earn my living, for my commission. I knew they were not married, but, nevertheless, I was fond of them both."

Miss Carroll identified a letter offered in evidence, sent to Watrous, as being in the handwriting of Mrs. Watrous, which contained the following:

I shall endeavor to make myself somewhat of a queen at Atlantic City.

### NINE SUITS AGAINST P. S. C.

#### Damages of $45,000 Asked by Montclair Residents—Eagle Rock Road Case.

[By Telegraph to The Tribune.]

Orange, Feb. 20.—Nine suits, aggregating $45,000, were started to-day by three indignant residents of Montclair against the Public Service Corporation because of the failure of the traction company to operate the Eagle Rock division of the Orange and Passaic Valley trolley line in accordance with the provisions of their franchise. Those who have started the suits are Alfred A. Wright, of Undercliff Road, Montclair, secretary of the Hill Wright Electric Company, of New-York, and his two sons, T. Wesley Wright and A. Stanley Wright, both of Montclair.

The Wrights have used the Eagle Rock division, which runs through West Orange, for several years to reach their homes in Montclair. When they were returning to Montclair on Wednesday night they were informed that the car would run only to Valley Way, West Orange, which is three-quarters of a mile from the terminus of the road.

### WANDERER FINDS WIFE A GRANDMA.

[By Telegraph to The Tribune.]

Wareham, Mass., Feb. 20.—A native of this place returned here to-day from New-Zealand after an absence of fifty-four years. He found his wife a grandmother with fifty-seven descendants. He has been married twice himself.

### PAT CROWE OUT ON $1,500 BAIL.

Council Bluffs, Ia., Feb. 20.—Pat Crowe was to-day released on a bond for $1,500 signed by his brother, John Crowe, and Joseph Nansel, a wealthy farmer, of this county. Crowe's trial on a charge of holding up streetcars has been put over until March.

### POSSE SHOOTS GIRL'S ASSAILANT.

Andalusia, Ala., Feb. 20.—A negro named Pedigree was shot to death by a posse here to-day. Pedigree forced an entrance to the home of a prominent white citizen in the outskirts of the town last night and assaulted a young woman. To-day a posse located him and he was identified by his victim. The posse started to jail with the negro when the prisoner broke away and began to run, and he was shot.

# COLER BLOCKS MR. HULL

### Architect Must Prove Charges Against Ex-Borough President.

The proposition to build a municipal building in Brooklyn is in an almost hopeless muddle on account of a controversy between Washington Hull, an architect, and Borough President Coler. Mr. Hull supposed that he was going to get the contract for building an eight story office building at Joralemon and Court sts. at a cost of about $2,000,000. Borough President Littleton favored plans for a more expensive structure, from drawings by McKim, Mead & White. Under these plans the building would have been three stories high, and would have cost about $4,000,000. The aldermen wrangled over the subject the greater part of the day yesterday, first in committee and then in open board.

Borough President Coler said that he would not allow any of Hull's plans for public buildings in Brooklyn to be carried out until he went before the grand jury and proved that a statement made to him by Mr. Hull that a former Borough President of Brooklyn had demanded $25,000 of Hull before he would approve the Hull plans for a municipal building was true. Mr. Coler said that Hull had told him this.

"Little Tim" Sullivan then came along and said that any man who charged Martin W. Littleton with venality was a liar. This was intended for Mr. Hull, who was in the chamber, much wrought up over the way his plans had been upset.

The point immediately at issue yesterday among the aldermen was the adoption of a report from the Finance Committee appropriating $500,000 to go ahead with the Hull plans for the municipal building. A minority report favored the McKim, Mead & White plans. The minority report failed of adoption by a vote of 37 to 34, but the majority report failed because it did not have the required forty votes. The resolution of the Board of Estimate and Apportionment, not having been acted on affirmatively within a specified time, under the charter becomes operative, so far as authorizing the expenditure of $500,000 is concerned. This permits Mr. Coler, he says, to go ahead and advertise for new plans. He will ask the consent of the Board of Estimate and Apportionment to do this, and probably Mr. Hull will come back at him with an injunction, on the ground that his plans already have been approved by the Municipal Art Commission, and that the city is bound to accept the Hull plans.

The Committee on Salaries and Officers, in a report, recommended that Joseph Haag be appointed secretary to the Board of Estimate at a salary of $7,500, and it was adopted.

Mr. Littleton last night was in ignorance of the trouble which Mr. Hull had roused in the aldermanic chamber. When told of Mr. Hull's statement Mr. Littleton said:

Mr. Hull has been circulating stories about me for several years. Just before I came into office as Borough President Mr. Swanstrom, my predecessor, held a competition for plans for the proposed new municipal building. The plans drawn up by Mr. Hull were awarded first place. When I came into office in 1903 the contract was still unlet, and I undertook to examine the plans of Mr. Hull and to investigate the sort of work that he did. In February he issued a circular in which he accused me of stealing $2,500,000 from the city. The next time that he came into my office I showed him one of the circulars. He pretended not to know anything about them. I told him that he was a liar and a cur, and that I would have nothing more to do with him. I then put him out of my office.

I didn't hear much more from him for a couple of years, and then I began to hear of this latest story of his, that I had demanded $25,000 to put through the scheme for a new municipal building. I let it go because all that I could do, since he has not exposed himself to prosecution for criminal libel by writing down his statements, would be to sue him for slander, and I have made up my mind that that would give him just what he is looking for—advertisement. I do not know that it will do him any harm to take him before the grand jury. I invited him to go before the grand jury when he told the Board of Estimate and Apportionment that I had thrown out his plans unfairly, but he refused. I could not give him the work because he is incompetent. I don't know what is the matter with him. He is either a liar or else he's crazy. Of course, I deny his charge.

# URGES BALLOT REFORM.

### Mr. Ivins Predicts Political Housecleaning in the Near Future.

Election reforms was the topic last night at a meeting of the People's Institute, held in Cooper Union. Five hundred persons listened to well known speakers discuss three measures which have been drafted for consideration by the present session of the legislature. Among the speakers were William M. Ivins, J. G. Phelps Stokes, Gherardi Davis and Charles Sprague Smith, managing director of the People's Institute. The three legislative measures proposed provide for an improvement in the form of the ballot, to require election officers to pass Civil Service examinations and to provide for a recanvass of the ballots when necessary, under the direction of the Supreme Court.

Mr. Ivins, in his address, spoke of the lavish spending of money in campaigns, and said that the proposed legislation would remedy this evil.

"In the near future," he continued, "we are going to have a great housecleaning here in these matters, just as we have had a housecleaning among the big insurance companies."

Mr. Ivins dwelt at some length on the urgent necessity of reforming the present elections system and told how, in the recent election, many votes had been lost because of the election laws. Continuing, Mr. Ivins said, in part:

During my experience with our lawmakers I found that every one does as little as he possibly can and as badly as he possibly can.

Mr. Davis, when a member of the legislature, would punch any one in the face who made a money proposition to him. However, there are many who do not stand in the same pugilistic array when money is around.

I am very curious as to where Jerome got his $100,000 campaign fund and what he did with it.

Also, I am very much interested as to how much McClellan and Tammany Hall got, and who gave it. I am anxious to know what great corporation put up the money—if not in the corporation's name, then what individual's. I want to know what persons put money in Murphy's lap for the election of McClellan and for the protection of the railroad merger.

Money is spent everywhere by corporations in order to get the things they want. I would like to know the sums given by the corporations in the legislature through such persons as Andy Hamilton.

Mr. Stokes in a short speech criticised the present party ticket ballot and urged the adoption of another.

The following resolution was passed, after which the meeting adjourned:

Resolved, That we hereby approve the amendment of the election laws of the State so as to provide for the Australian ballot, the amendment of the registration law so as to prevent frauds at elections, the passage of a corrupt practices act, the adoption of a voting machine and the judicial recount of the ballots in case of error or fraud.

### WOULD BEAT CARNEGIE AT GIVING.

[By Telegraph to The Tribune.]

Des Moines, Feb. 20.—Determined to prove a greater philanthropist relatively than Andrew Carnegie, J. F. Powell, a carpenter here, gave $5,000, his entire fortune, to Drake University for a library, to which Mr. Carnegie has promised to give $50,000 when a like sum is raised. Powell has no relative. He is a bachelor.

### MRS. GARDNER DENIES ENGAGEMENT.

[By Telegraph to The Tribune.]

Boston, Mass., Feb. 20.—Mrs. Jack Gardner in a telegram to a friend here absolutely denies the report that she is engaged to Bourke Cockran.

### ANTHRACITE SETTLEMENT RUMORED.

[By Telegraph to The Tribune.]

Pittsburg, Feb. 20.—There is a rumor here to-night that the anthracite operators have effected a settlement with the miners, and that there will be no strike among the anthracite men. This would leave the bituminous miners to fight the battle alone. No confirmation or additional information is obtainable here to-night.

# PATRICK COMING HERE.

### May Be Brought from Cell To-day to Attend Hearing.

Albert T. Patrick will probably be brought to this city from Sing Sing to-day. Recorder Goff telephoned to the prison yesterday and asked to have Patrick brought here. Two hours later a warden entered the court, and, in reply to the question as to where Patrick was, said that he had come for an order.

There was a long discussion by Recorder Goff, District Attorney Jerome and W. M. K. Olcott, counsel for Mr. Patrick. Recorder Goff wanted to be assured that he had the right to order Patrick to be brought here, and when Mr. Jerome told him that he could issue the order on his inherent right, he was still unassured, and asked the District Attorney to cite some similar cases. If Patrick is brought here to-day, he will probably take the stand.

The reason that Patrick will be brought here is that Mr. Jerome announced yesterday that he proposed to call Frederick B. House, once counsel for Patrick. It has been intimated that Patrick, in the presence of Charles F. Jones, the valet of William Marsh Rice, confessed his guilt to Mr. House. There is a general feeling that if Patrick takes the stand and is asked regarding this rumor it will furnish his counsel a good opportunity to carry the case to the United States Supreme Court. If Patrick confessed to Mr. House, the latter is obliged to remain silent on that point.

The hearing on the motion for a new trial was resumed before Recorder Goff yesterday in Part 4 of General Sessions with the examination of the Texans, who say that Jones told them he perjured himself when he testified that Patrick was in any way responsible for the death of Rice. Mr. Jerome called in John S. Fram, a policeman of Houston, Tex., and George Ellis, the Chief of Police of that city. Joseph Jordan, who was the first witness called on Monday, said that he knew Ellis for twenty years.

Mr. Jerome showed the witness a commitment of Joseph Jordan to a prison in Texas. The witness said it did not refer to him, but to his cousin, who was the same weight, height and complexion as himself. The District Attorney examined the witness to prove that he and not his cousin was a former inmate of a Texas prison. Mr. Olcott then took Jordan in hand.

After recess Thomas F. Jett, another Texan, took the stand. He said Jones had told him that he had put the blame on Patrick to save himself. Jones said further, the witness testified, that he was sorry he had ever met Rice or Patrick, for his life had been ruined by the trouble. He said that if Patrick's sentence was carried out an innocent man would suffer.

The witness, in answer to Mr. Jerome's question, said he was convicted for forgery of a $20 check on his brother-in-law in 1894, and sentenced to two years in the Rush penitentiary in Texas. He said he served twenty-two months of this sentence. He said that that was the only time he was convicted of any crime, except for fighting. He said he had been arrested for assault eight or ten times, and that he was convicted about half of those times. Jett said he met Jones at a fishing camp at Lynchburg, Tex.

Henry J. Moran, another Texan, who said he was a bartender at Houston, was the next witness. Under examination, he said he was arrested once for vagrancy, but that the charge was dismissed. He said he knew Jones well. Jones told him, the witness testified, that he put the blame on Patrick to save himself.

Robert Lee, who testified yesterday, was again called to the stand. In reply to Mr. Jerome's question, he said he had been arrested once on a charge of intoxication. He said he met Jones in March, 1905. Ellis testified that Lee had been arrested a week ago, and allowed to go on the promise to come back next morning, the day he started North.

# S. P. C. A. REFORM PLANS.

### Fighting Element's Slogan Is That "Haines Must Go!"

The members of the Society for the Prevention of Cruelty to Animals who are trying to compel the management to listen to the charges of inefficiency and neglect in the society are now engaged on a compilation of these charges. The reformers have accepted the suggestion of Major General Roe, who is a member of the board of managers, that they bring the charges before that body, which meets on March 8.

The bill of complaint against the Haines management will be a voluminous one, and will cover many specific cases of neglect, inefficiency and mismanagement. The complaint of the members, whose one object is to restore the society to its former status, will be made to the board of managers, that it may place the blame.

John P. Haines, at the meeting last Thursday, voted with those who supported a resolution not to entertain any further charges, which they referred to as "evil reports and unfair criticism." The resolution was adopted, but it has not accomplished its purpose. The reformers declare that they will not stay gagged, but have decided to put the matter squarely up to the board of managers. They not only intend insisting that the board receive and consider the charges of the members, but that it also fix the full responsibility.

At the last board meeting a resolution was adopted to receive all complaints and hear all witnesses. This, the reformers declare, is enough guarantee for them that the charges will receive consideration, and they will have a number of witnesses on hand on March 8 to prove the charges.

The reformers want the person or persons to whose mismanagement the present woful laxity of system is chargable, removed from office in the society. Only such remedy, they say, can restore the public confidence in the society, which has been considerably shaken by recent exposures.

Unless such action is taken the fighting members—and nearly all of them are lawyers—will appeal to the legislature to amend the charter of the society so as to take from it much of its present support.

The Henry Bergh Humane Society, organized a few years ago, has become an important factor in this phase of the fight. There will be a hearing at Albany next week on a bill introduced by Assemblyman Francis to give the Henry Bergh Humane Society the same right to protect animals as the Society for the Prevention of Cruelty to Animals. The bill was introduced last fall but defeated. Mr. Haines, it is said, worked against the measure.

This year, however, conditions are different. The charges against the Haines management have been so generally voiced by the press that the legislators may decide to break the animal protection monopoly now enjoyed by the Society for the Prevention of Cruelty to Animals.

The records of prosecutions by the society of persons charged with cruelty to animals show a great falling off, which, the Henry Bergh people argue, proves that the Society for the Prevention of Cruelty to Animals is not fulfilling its mission. Another pending menace to the society is the bill to cut off revenues, amounting to about $65,000, derived from dog licenses and giving them to the Board of Health.

All these things, the reformers believe, can be averted by the removal of Mr. Haines, to which end they will henceforth stragetically and diplomatically work.

### GOLD AND SILVER IN HIS COAL.

[By Telegraph to The Tribune.]

Wolcott, Wyo., Feb. 20.—W. W. Petty, a coal miner here, a few days ago noticed a shining coating on the grate in which he was burning some of the product of his mine. He decided that it was silver, and sent a small piece of coal to a chemist to be assayed. The assay showed over $6 a ton in gold, and it is thought that it will run much more than this in silver.

### CHURCHES JOIN IN REVIVALS.

The first of a series of revival meetings was held at the Hopedale Baptist Church, Broadway and 104th-st., last night. Members of the Grace Methodist Episcopal Church and the West End Presbyterian Church attended the revival. The service was conducted by the Rev. Dr. Kiegurn, of the West End Presbyterian Church, assisted by the Rev. Dr. Hartley, of the Hopedale Baptist Church, and the Rev. Dr. Daragwauth, of the Grace Methodist Episcopal Church.

### ANOTHER BLOW TO MAYOR BRUSH.

Ever since the first of the year the appointments of Mayor Brush of Mount Vernon have been held up by the Common Council, although the Mayor is a Republican in politics and the majority of the council is of that political faith. The principal fight has been over W. W. Marten as Commissioner of Public Works. Mayor Brush insisted on Mr. Marten and the council has refused to confirm him. At last night's meeting of the board a resolution was carried declaring Mr. Marten unfit to hold public office.

# TAKES BABIES TO DEATH.

### Mother Jumps from Sound Boat with Three Children.

Dear Husband John—Forgive me for all this trouble. My heart has been broken. Dear John, forgive me for causing you this great sorrow. But I could not live and I could not leave our dear children. LEILA.

After penning this farewell Mrs. John W. Waters, wife of the manager of the fire insurance department of the National Association of Manufacturers, No. 170 Broadway, threw her three little children into the waters of Long Island Sound from the Plymouth, of the Fall River Line, and then followed them. All were drowned.

The tragedy was discovered just before the arrival of the Plymouth at Newport yesterday morning. It is believed that Mrs. Waters was suffering from a fit of temporary insanity. None of the bodies have yet been recovered. All steamships plying along the Sound have been instructed to look out for them.

Mrs. Waters was the daughter of Captain James Brady, Collector of Customs at Fall River. With her husband and children she came from Chicago to live in Brooklyn about six months ago, when Mr. Waters was appointed to his present position. The home life of the family at No. 279 Kingston-ave. seemed ideal. Only the husband and wife knew of the shadow that overcast their lives, the dread that the fits of melancholia from which Mrs. Waters suffered would develop into insanity. So bad had these seizures been recently that a few weeks ago she was placed in a sanatorium at Bristol, R. I., where she stayed several days.

Last week Mrs. Waters visited her family in Fall River, returning to her Brooklyn home on Saturday. To her father and other relatives she spoke of trouble at home, but little attention was paid to her. Monday afternoon she carefully dressed her three children, Helen, four years old; Dorothy, two years, and John, the baby, eight months old, and telling the maid, Maggie, that she was going to have their photographs taken left the house.

Instead of going to a photographer's the woman went to the Fall River Line pier and engaged passage and a stateroom on the Plymouth, using the name of Mrs. B. G. Allen.

"If any one asks if a woman and three children came on board, say no," she told the purser.

Then she must have begun her preparations for death. Her stateroom was on the upper deck, port side. The children were undressed and, in all probability, put to bed. Mrs. Waters also removed her outer clothing. Then she wrote her farewell note to her husband and another, in the nature of a will, giving directions for the disposition of many of her belongings.

One of the porters discovered the door of the stateroom open early yesterday morning when the boat was off Point Judith. He looked in, found the occupants missing and the floor littered with clothing. A search revealed the letters left by Mrs. Waters. When the boat arrived at Newport a close watch was kept to make sure that the woman did not try to steal off unseen.

Meanwhile, Mr. Waters had been frantically searching for his wife all night long. When word of the tragedy came to the Fall River Line agents in this city a messenger was sent to break the news to the bereaved man. He was utterly unnerved by the shock, but recovered somewhat later and went to Fall River.

# FIREPROOFING SUIT.

### Masons and Bricklayers Accused of Conspiracy to Restrain Trade.

A conspiracy in restraint of trade under the Sherman act of 1890 is charged by the National Fireproofing Company in an application for an injunction to restrain the Mason Builders' Association and the bricklayers' unions of this city from interference with the company's business by means of strikes.

Judge Lacombe in the United States Circuit Court has issued an order for the organizations of masons and bricklayers in this city to show cause at 2 p. m. on Friday why an injunction should not be granted to restrain them from continuing the alleged conspiracy. James W. Osborne and Eugene A. Philbin are counsel for the company in the proceeding.

The application for an injunction declares that the fireproofing company is a victim of the "Chinese wall" erected around the city, and that strikes are being directed against ten of the company's jobs. The company is able to continue its work of installing fireproofing in the new buildings of the College of the City of New-York, on Cathedral Heights, it is alleged, only because one of the bricklayers' unions has not been forced to sign an agreement by which the boycott directed against the company is being kept up.

According to the papers on which Judge Lacombe has issued the order, the Mason Builders' Association and most of the bricklayers have entered into an agreement to have all fireproofing in buildings included with the cutting of masonry and the interior brickwork and forbidding the subletting of any separate contract for fireproofing. Under the agreement the men employed in the construction of the walls must have the preference for all fireproofing work.

As a result of the agreement, it is charged, whenever the fireproofing company attempts to carry out a contract for the installation of its own fireproofing material a strike on the building is ordered. As an example, the company cites its contract for fireproofing the new building for the Title Guarantee and Trust Company at No. 176 Broadway.

Affidavits are presented to show that Thompson & Starrett, the general contractors for the building, awarded a contract to the National Fireproofing Company for the fireproofing in the building duly set in place. The company set about complying with the contract, whereupon a walking delegate of the bricklayers ordered a strike, and the company was obliged to give up its contract. The bricklayers made no demands for higher wages or shorter hours, but simply declared that they would not work on the building if the contractors sublet the contract for fireproofing.

"The company makes no fight against the right of labor unions to associate themselves for general betterment," a representative of the company said yesterday. "The company simply maintains that it is a conspiracy for the employers and employes in the building trades to combine to shut out any concern from carrying on its legitimate business in the city of New-York. The application for the injunction brings to a head a long standing dispute."

### BIG PROFITS IN TABERNACLE SITE.

#### Two Transfers Since Church Sold Land Brought Dealers About $650,000.

An idea of the money made from the two transfers of the old Broadway Tabernacle property, at 34th-st. and Broadway, since its sale by the church corporation on December 19, 1901, to Edward F. Searles, was obtained yesterday. Mr. Searles paid $1,440,000 for the old Tabernacle property and Nos. 68 and 70 West 35th-st. He sold the combined parcels to the Roxton Realty Company, in which Benjamin Altman, it was learned yesterday, was the only person interested, at a profit of about $450,000. Mr. Altman enlarged the plot by the purchase of an abutting lot with a frontage of 21 feet in 35th-st. Thus his investment represented an outlay of about $2,000,000. According to a well known broker, Mr. Altman sold the property for $2,500,000, leaving a profit from his investment, after deducting carrying charges, of about $300,000.

### MANY SEE TUBERCULOSIS EXHIBIT.

#### Commissioner Hebberd and Dr. Meyer Speak at Opening at the Educational Alliance.

Between 2,500 and 3,000 persons visited the travelling tuberculosis exhibition of the committee on the prevention of tuberculosis of the Charity Organization Society, which was opened to the public at 4 p. m. yesterday in a hall on the second floor of the Educational Alliance Building, at East Broadway and Jefferson-st. It will remain open until March 10.

Dr. David Blaustein, who has charge of the exhibition, and who made the opening address to some seven hundred persons in the large assembly hall of the building, introduced Charities Commissioner Hebberd, whose address was followed by a lecture by Dr. Alfred Meyer. The latter explained the methods of the exhibition, and told those present how to prevent the spread of tuberculosis.

Stereopticon views illustrated how the roofs of tenements could be utilized as sanatoriums. Models of the tuberculosis cars at Bedford were shown.

# GARFIELD ON STAND.

## DENIES IMMUNITY TALK.

### District Attorney Tries to Bar President's Letter on Packers.

Chicago, Feb. 20.—James R. Garfield, Commissioner of Corporations, took the stand to-day in the case of the packers and denied many of the statements made by the witnesses for the packers. Edward Morris, Edward Swift and Arthur Meeker, representatives, respectively, of Morris & Co., Swift & Co. and Armour & Co., have testified that Commissioner Garfield had told them that his department had the power to compel information if they refused to give it willingly.

Mr. Garfield said he had never made such a statement. He also denied that he had ever promised immunity, saying that the only protection that had been promised was protection for the individual packers of confidential figures. Although the average of these confidential figures had been given in the report, the names of individuals had not been given. He also denied positively that he promised that all information would be regarded as confidential, and that he had said anything regarding an oath in connection with the information.

A letter of the President to Attorney General Moody regarding the packers was offered in evidence by counsel for the packers. The District Attorney objected. "This letter is immaterial," he said. "It is written by no person who could bind the government. The President cannot bind the government more than any one else. He is the highest officer of the government, but still he is only an officer. The letter is not written under oath, and is merely hearsay. If it is admitted into this case we could have the right to cross-examine the President upon it. The fact that it is written by a high official gives no more weight to admissibility than if anybody else wrote the letter. The President is no more a party to this lawsuit than the humblest citizen.

"Is there no officer of the government who can bind the government?" asked Judge Humphrey.

"I know of no law giving the President power to commence a suit like this, and there is no evidence here that he had anything to do with the starting of the suit. That is the duty of the Attorney General. It was not necessary for the President to make that statement," said the District Attorney.

"The court has nothing to do with that," said Judge Humphrey. "The President, like the rest of us, does unnecessary things. The President was evidently doing what he believed was his duty in an official matter."

The court admitted the letter.

# ARMY AND NAVY NEWS.

[From The Tribune Bureau.]

Washington, February 20.

CRUISE OF THE DRYDOCK.—The newspaper dispatch giving definite news of the floating drydock was received with much satisfaction by the officials of the Navy Department to-day, who looked for the confirmation of the information in an official cable message from Commander Hosley, who must have sent some report by the tug Potomac. It was not expected that there would be any difficulty encountered by the expedition, for it was known that the weather conditions were reasonably good, the trip of the dock being timed by the hydrographers so as to take advantage of the fair winds across the Atlantic. It is now realized that those who estimated the time to be made by the expedition gave the dock too much credit. The builders of the structure have insisted that under the best conditions the expedition could not make greater speed than ninety miles a day on the average, making no allowance for the accidents to the hawsers and the transfer of stores. The Navy Department had received no official report from the dock up to a late hour, and some surprise was expressed that there should be such a delay in getting the official tidings of the expedition. The newspaper report, however, served to restore the confidence in the success of the transatlantic voyage of the dock. Some officers have been predicting that the structure could not make the trip, and it was realized that the mobility of the structure would go a long way toward supporting the theory of the strategic usefulness of the dock and assisting the plan to obtain an appropriation for another in the present session of Congress.

FUGITIVE ARMY OFFICER.—The Department of Justice and the State Department will not relax the effort for the arrest and extradition of Lieutenant Arthur H. Freshwater, 29th Infantry, who recently fled to Mexico from his army post in Texas, where he was confronted with charges of embezzlement of company funds and swindling of enlisted men. Freshwater will be dropped from the army as a deserter before March 1, since by that time he will have been absent without leave for three months. His exact whereabouts are not known to the military authorities, but steps have been taken to locate him and to have him placed in the custody of the Mexican authorities. The Department of State, through its representative in the City of Mexico, has arranged the preliminaries for the extradition of the offender, and the Department of Justice will bring him before the civil courts of Texas for trial.

ORDERS ISSUED.—The following orders have been issued:

ARMY.

Major JOHN E. FRENCH, Jr., quartermaster, detailed member of permanent board to expedite and adjust questions of responsibility for government property and stores, vice Major WINTHROP S. WOOD, quartermaster.

Contract Surgeon ARTHUR J. BOYER, from Kingsbridge, accompany 8th Infantry to Philippines.

Contract Surgeon WILLIAM H. COOK, from Gravesend, accompany 8th Infantry to Philippines.

Retirement of Brigadier General Henry A. Reed, announced.

NAVY.

Lieutenant Commander L. J. CLARK, Lieutenant P. BABIN, Midshipmen H. R. GREENLEE and B. H. STEELE, to the Rhode Island.

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