RUSE STOPS ROBBERY

Empty Revolver Holds Bandits for the Police.

A daring attempt at a diamond robbery was made yesterday afternoon below the "dead line" by two men, who were captured by the police before they could leave the building. The attempt was made in the offices of Cooper & Forman, manufacturing jewellers and diamond merchants on the eighth floor of No. 3 Maiden Lane, but was frustrated by the watchfulness of William Stenson, one of the employes of the firm, who, seeing the two men pick up an envelope containing $10,000 worth of stones, covered them with a revolver until they discovered that the weapon was empty. It was long enough, however, for they had barely reached the hallway when the police were on the scene.

When taken to Police Headquarters the two prisoners said they were James D. Shank, forty-one years old, of No. 44 West 192d street, and Frederick Kenny, thirty-four years old, of No. 290 West 25th street. According to the police, both men have records and their pictures are in the Rogues' Gallery. They were later arraigned before Magistrate Breen in the Tombs police court and held in $2,000 bail each on a charge of grand larceny.

The men entered the offices of Cooper & Forman shortly after noon and asked Mr. Forman to allow them to look at some uncut diamonds. While he was doing so one of the men picked up the envelope and shoved it under his hat band. The action was unnoticed by Forman, but was seen in a mirror by Stenson, who was in another room. Calling to another clerk to summon the police, Stenson went to his dress suit case, which he had used on a trip into the country over July 4, and drew out a pistol.

It was empty, but he walked out into the other room and covered the two men, much to Forman's surprise. The men made no move to escape, but obeyed Stenson's command to sit down and hand back the envelope. Suddenly one of the men discovered that the gun was not loaded and both ran to the doorway just in time to meet Detectives Monihan and Nugent and Patrolman Daly of the traffic squad. They made no resistance and were quietly taken to Police Headquarters.

WILL WIPE OUT KENSICO.

Condemnation Commissioners for Watershed Reservoir Appointed.

Justice Martin J. Keogh, of the Supreme Court, appointed yesterday at White Plains three sets of watershed commissioners to condemn land for the new Kensico reservoir, which will cost $15,000,000. The commissioners will condemn practically all the land at Kensico, which will wipe out the old village of Kensico and transform it into one of the largest artificial lakes in Westchester County.

The application for the commissions was made by H. T. Dykman, of White Plains, who is assistant corporation counsel of Manhattan.

The commissioners, with the exception of three men from Manhattan, are all residents of Westchester County. The commission to condemn land in section 10 consists of Edward Wells, of Peekskill; Francis A. Winslow, John F. Healy, the Democratic leader of New Rochelle, and P. F. Donahue, of Manhattan.

In section 9 the commissioners are John M. Digney, of White Plains; Stephen Van Tassell, of Mount Vernon, and Samuel J. Foley, of Manhattan.

For section 8, Thomas Ewing, jr., of Yonkers; James F. Martin, of Peekskill, and Francis J. Lantry, of Manhattan, were named.

RAID APARTMENT HOUSE.

Broker Says He Was Fleeced by Gamblers at De Sota.

A Wall Street broker, whose name the police refuse to give out, was responsible for a raid made last night on an alleged gambling house on the first floor rear of the De Sota apartment house, at No. 19 East 32d street. According to Acting Captain Murphy, of the Tenderloin station, the broker was fleeced out of $10,000 on Saturday by means of a crooked roulette wheel, and although he refused to make a complaint against the backers of the game he informed the police of the fact.

Murphy, with William Files, his man Friday, and Detective Kinney, of Inspector Steinbruck's staff, went to the De Sota last night. The broker had said that the wheel was run on the ground floor in the right hand apartment, but a sign "Dr. Stiles" made them think that a mistake had been made. Inquiry of the hallboy brought the information that "two rooms in the rear of the doctor's apartment had been rented on Saturday to two gentlemen." The detectives went to the rear of the house and climbed through a rear window, and although they are positive that there were men in the rooms when they went into the building they were empty when the detectives entered.

A roulette wheel and chips were taken to the station house. Among the things found in the room was a card, "Augustus Masters MacDonnell," and the police believe him to be another one of the alleged victims. According to Captain Murphy, the backers of the game open up only when they catch a "live one."

AUTO BURGLARS AT WORK

Two Men in a Car Steal Silver at Greenwich.

[By Telegraph to The Tribune.]

Greenwich, Conn., July 6.—The police here are looking for two men in an automobile, with a dress suit case containing $5,000 worth of silverware stolen from Edward D. Farrell, a retired real estate dealer, of New York City, who is occupying the Copp cottage at Belle Haven. The cottage is on a street that is just outside the limits of the police protection and in a rather lonely place. The entrance is believed to have been made by means of a cellar window, which was pried open.

Some time between 12:30 a. m., when the family retired, and 7 o'clock in the morning, when the cook discovered evidences of the robbery, the burglars took all of the silverware in sight that could easily be packed in dress suit cases. They were evidently in no particular hurry, for they stopped to rifle the ice box and consumed ten bottles of beer and two bottles of wine. They left no trace which would lead to their identification.

A man employed near the railroad station says he saw two strange men bearing a suit case disembark from a late train and get into an auto, unknown about here, which was waiting for them and drive off toward Belle Haven. It is for these two men that the police are searching. Among the articles stolen were three large silver trays marked "C. McG. E.," one valued at $1,000 and one at $800; eight small silver vases marked "J. G. F."; twenty-four salt cellars marked "M. McG.," twenty-four asparagus forks, twenty-four butter spreaders, twenty-one fish forks, four almond dishes, twenty-four coffee spoons, an ice cream cutter, a cake knife, two large serving spoons and six silver forks. They also took a valuable loving cup which Mr. Farrell won playing golf at Bay Shore. It was marked with the names of Edward Farrell and Lillian Hyde.

REORGANIZING LINE.

P. S. C. to Hold Hearing on Crosstown Company's Lease.

The Public Service Commission announced yesterday that it would hold a hearing at 10 a. m. on Friday on the application of the Central Crosstown Railway Company for approval of the proposed modification of the lease of that company's lines to the Metropolitan Street Railway Company. An agreement has been reached by the officers of the Crosstown Railway and Messrs. Joline and Robinson, receivers for the M. S. R., by which the present schedule of operation of the crosstown route is to be continued for a year, or until the expiration of the receivership.

Several of the important crosstown lines operated by the Metropolitan are owned by the Central Crosstown, including those in 23d street from the East River to Avenue A; in Avenue A, from 23d street to 17th street; in 17th street, from Avenue A to Broadway; in Broadway, from 17th to 14th street and from 17th to 18th street, and, also, in 14th street, from Broadway to Seventh avenue.

The Metropolitan has been paying for the leased lines a rental of $90,000 a year, being 15 per cent on the capital stock of $600,000. In addition it has been carrying the interest on the funded debt. On April 30 the receivers, Messrs. Joline and Robinson, wrote to the officers of the Central Crosstown that the operation of its lines on this basis was unprofitable, and the lease would have to be terminated unless it were modified. They agreed to pay the fixed charges, including the interest on the funded debt, if the payment of $60,000 a year was stopped. The Central Crosstown has outstanding $2,740,000 in bonds, $250,000 6 per cents and $2,490,000 4 per cents.

On May 1 the Central Crosstown Railway Company, through President Vreeland, agreed to the proposal made by Messrs. Joline and Robinson, with the proviso that it be made without prejudice to any claim which the Crosstown company might have by reason of the operation of its property by the receivers or for breach of contract or otherwise which the Crosstown company might have against either the Metropolitan or the New York City Railway Company because of default under the lease of February 8, 1904. The application for ratification of this agreement was made to the Public Service Commission on May 18, and the commission decided to give a hearing on it next Friday.

COLONEL J. F. WILSON'S SON DEAD.

[By Telegraph to The Tribune.]

Plainfield, N. J., July 6.—Colonel John F. Wilson, of North Plainfield, received a cable message today announcing the death yesterday of his son, Alan Wilson, manager of the Philadelphia branch of the Ingersoll-Rand Company, in Edinburgh, Scotland.

Mr. Wilson was injured a year ago in an automobile accident while riding from Philadelphia to Atlantic City, and never fully recovered. He intended to spend the summer abroad in the hope that the change would be beneficial.

BREEZE IN ANY ROOM

Revolving House To Be Built for Fifth Avenue Jeweller.

A house that will turn around and around to suit the desire of its occupants is probably about the newest thing in domestic construction, but Clarence True, an architect, of No. 95 Liberty street, said yesterday that he had been considering the problem involved and expected shortly to begin drawing the plans. The house is to be built at Little Neck Bay, Long Island, for William Reiman, a jeweller, of No. 328 Fifth avenue, who for several years has wished for just such a summer home.

"Prior to my decision to build," said Mr. Reiman, "I made some experiments on the matter, and found that such a house was entirely practicable. I don't regard it as a fad, but as a piece of common sense. I can see no reason for being roasted or chilled in certain rooms of a house year after year; besides, there is the advantage of changing the view from a room by swinging the house around. In the hot months the living rooms, for instance, can be shifted to the point of the compass from which the wind is blowing at the time."

Mr. True, the architect, explained that he did not expect any insurmountable difficulties in design. "The house will be of wood," he said, "but whether it will be round or octagonal has not yet been decided. I have never heard of any revolving houses, but the principle is simply such as is used in a railroad turntable. The motive power will probably be electricty, and since the house will be mounted on ball bearings the idea is to have it swing about with almost no noise or jar.

"I hardly expect that such houses will come into general use, but they may be popular as summer cottages. Among the many things to be taken into account will be some sort of signal to warn persons on the outside when the building is going to be turned. Also, there will need to be several exit points at which the piazza steps may come to a halt. Mr. Reiman has given close attention to the points, and I am to follow his suggestions. In the case of the plumbing, that will probably be solved by valve joint connection between the pipes and the mains in the cellar. I am not sure just when the construction will be begun, but Mr. Reiman expects to have it started as soon as I have completed the drawings. I think it safe to assume that the house will become pretty well known, and that for a time at least persons will go out to see it in motion."

Mr. True laughed when he was asked whether a stranger who knew nothing of the house might refuse to believe his own eyes. The cost of the house completed, exclusive of the land, will be about $35,000, it is estimated.

CONSULAR OFFICER ARRESTED.

Salvador's Chancellor Charged by His Wife with Abandonment.

Charged by his wife with abandonment, Señor Don Enrique Nattes, chancellor of the consulate of the Republic of Salvador at the Port of New York, was a prisoner yesterday in the Jefferson Market court. Señor Nattes claimed immunity from arrest because of his post, although he admitted having married Mrs. Nattes in this city twenty-one years ago when he was not connected with any consular service.

Mrs. Nattes told the court that her husband deserted her twelve years ago and that he had been paying her $3 a week under order of the court for the support of herself and their daughter, who is nineteen years old. Mrs. Nattes said this allowance was stopped three weeks ago.

When the chancellor through his counsel offered to live with his wife, she cried out:

"I'll not live with him. I'm afraid he might poison me. He is paying attention to another woman."

Magistrate Wahle set the case down for July 15, paroling the prisoner.

MRS. TALBOT J. TAYLOR GETS DIVORCE.

Name of Corespondent Mentioned by Broker's Wife Not Made Public.

Justice McCall, in the Supreme Court, handed down an interlocutory decree of divorce yesterday in favor of Mrs. Jessica Taylor in her suit against Talbot J. Taylor, the Wall Street broker. Mrs. Taylor is the daughter of James R. Keene.

The decree was based on the report of Leo C. Dessar, who had been appointed by the court to take testimony and submit his findings to the court. The name of the corespondent mentioned by Mrs. Taylor was not made public.

Mr. Taylor was a member of the firm of Talbot J. Taylor & Co., of No. 30 Broad street, of which Foxhall Keene, Mrs. Taylor's brother, was a special member to the extent of $200,000. The firm failed in 1903 as a result of the collapse of the Southern Pacific pool. Mr. Taylor was subsequently reinstated by the New York Stock Exchange.

The Taylors were married in May, 1892, and lived at Talbot House, Cedarhurst, Long Island, where they had one of the finest collections of antique furniture in the world. They separated several months before Mrs. Taylor began her suit.

Iced Postum

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An American summer drink as far ahead of Iced Tea as America is ahead of India and China. Not only for its flavour, but for the rich food value.

Try it and tell yourself!

"There's a Reason"

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ROUT MEXICAN REBELS

Government Troops Overwhelm and Scatter Force of 500 Men.

[By Telegraph to The Tribune.]

Del Rio, Tex., July 6.—Reports were brought into Las Vacas and Del Rio to-day that a force of nearly one thousand Mexican troops, commanded by Colonel Dorantes, encountered one of the main bodies of revolutionists about thirty miles south of here at an early hour to-day and that a fight had taken place, in which the insurgents were routed. The revolutionary force numbered about five hundred well armed men, and it is reported they put up a hard fight.

When unable longer to maintain their stand against the overwhelming government forces the insurgents broke into small bands and made a swift retreat into the mountains. They are being pursued by federal cavalry and rurales. No report of the number killed has been received here.

REBELS SURROUND TOWN.

Reinforcements Rushed to Ascension —Mormon Colonists Alarmed.

[By Telegraph to The Tribune.]

El Paso, Tex., July 6.—A troop of sixty Mexican cavalrymen came up to-day from Chihuahua and was sent to Casas Grandes on a special train, and then hurried out to Ascension, south of Palomas, which was attacked by revolutionists near the New Mexico border last Tuesday. The revolutionists were reported at the time to have marched in the direction of Ascension, and since that time they have been reported as having surrounded the place, which is garrisoned by only fifty gendarmes.

Antonio V. Lomeli, Mexican consul in this city, announced to-day that a band of forty revolutionists were arrested on Saturday in the mountains north of Casas Grandes by Mormon volunteers. That the Mormons take a rather serious view of the situation is evidenced by the following editorial in the Nuevo Casas Grandes "El Progresso," published by a Mormon:

Being surrounded by revolution and murder as we are, we realize how unprepared we are to repel the attacks of an armed force. The conditions discovered to exist here and in many other parts of Northern Mexico demonstrate that the government would be unable to lend proper assistance before great damage could be done both to life and property. On the east and north and south come reports of revolutionary movements. According to plans that have been discovered at this place, Colonia, Dublan and Casas Grandes were to have been places for the perpetration of murder and plunder. Because of the acts of revolution, murder and plunder still threatening us and the government we should bestir ourselves. Every colony should organize immediately and have horses, saddles, guns and ammunition on hand to repel an attack at a moment's notice.

CONVICT FIGHTS KEEPERS

Wounds Two in Battle on Stairs in Sing Sing Prison.

Edward Kinnane and Edward MacEneny, keepers in Sing Sing prison, had an encounter on Friday with a convict, and both were injured.

The prisoner defied the keepers and threatened to kill any one who approached him. He had taken a position on the stairs, and to reach him the keepers had to go up the steps.

As the keepers rushed for him the convict drew a knife, which had been made from an old file, and stabbed Kinnane in the right shoulder, causing a deep but not dangerous wound. MacEneny's hands were cut in the struggle for the knife.

SCHOEN WHEEL CO. IN STEEL TRUST.

Purchase by Carnegie Company Ends Long Standing Business Fight.

[By Telegraph to The Tribune.]

Pittsburg, July 6.—Negotiations which were started some weeks ago terminated last Friday in the purchase by the Carnegie Steel Company, chief subsidiary of the United States Steel Corporation, of the Schoen Steel Wheel Company, whose plant, covering twenty-one acres, is situated at McKee's Rocks, a suburb. The price paid was $3,000,000, representing a clear profit of $1,000,000 to Charles Schoen, the inventor of the wheel and founder of the company.

A bitter fight has long existed between the steel corporation and Schoen. The former refused to sell Schoen steel for his wheels and threatened to start a new car wheel plant. The Schoen company retaliated by threatening to make their own steel.

SELF-HYPNOTISM PROVES FATAL.

Chicago Man Believed He Had Been Poisoned Following July 4 Noise.

Chicago, July 6.—Suffering all the agony, physical and mental, and exhibiting many of the symptoms that accompany death by poisoning, John Neriza died yesterday, the victim of hallucination and anto-suggestion. It is believed his condition resulted from worry because of the noise on July 4.

Attending physicians found no trace of poison in their examination, and members of Neriza's family declare that he had eaten nothing that might cause his condition. The efforts of physicians to assure him that he was not poisoned were futile, and he passed into a comatose condition and died after hours of acute suffering. A weak mental state is believed responsible for the self-hypnotism. It was asserted by several physicians that scores of deaths occur annually in every city from such conditions. The case has puzzled the physicians, and an inquest will be made.

GUARDIAN OF PRESIDENT'S GRANDSON.

Andrew Johnson Stover a Hermit for Thirty Years in Tennessee Mountains.

[By Telegraph to The Tribune.]

Bristol, Va., July 6.—A guardian has been appointed for Andrew Johnson Stover, grandson of President Andrew Johnson, who for thirty years has lived as a hermit in the mountains of Eastern Tennessee, to look after his interest in the Johnson estate at Greenville.

Stover played on the White House grounds as a boy while his mother was mistress of the President's mansion during Johnson's administration. After his mother's death he was not regarded as mentally sound, and sought the mountains, where he has lived alone, subsisting on berries, fruits and small game. He is now about fifty years old.

GOVERNOR NAMES DELEGATES.

Will Attend Legislative Good Roads Conference in Buffalo.

Albany, July 6.—Governor Hughes announced today the appointment of the following delegates to represent New York State at the Legislative Good Roads' Convention, under the auspices of the American Automobile Association, to be held at Buffalo on July 7 and 8: Senators Jotham P. Allds, of Chenango; Henry W. Hill and George A. Davis, of Buffalo; William H. Hotchkiss, of Buffalo, and Arthur Warren, of Rochester.

Buffalo, July 6.—A large number of delegates to the National Good Roads' Convention, which opens in this city to-morrow, are already here. The programme includes talks on the subject of road building by the best known engineers and road builders in the United States. The chief feature of the programme, however, will be a practical demonstration of road building by State Engineer Frederick Skene and County Engineer George C. Diehl. Six miles of highway between the city line and Williamsville has been prepared and is now ready for this demonstration. There will be exhibits of the most up-to-date road building machinery, with hundreds of men at work actually building roads. There will also be exhibits of the newest systems of laying dust by the manufacturers of these products.

LOST LIFE FIGHTING FIRE.

Overflowing Bucket of Hot Tar Destroys Williamsburg Cement Works.

A fire which destroyed the cement works of L. F. Rand, on Newtown Creek, Williamsburg, yesterday afternoon caused the death of William J. Groves, thirty-four years old, of No. 34 Meeker avenue. Thomas Raynor, of No. 239 Kingsland avenue, was probably fatally injured.

The fire started from the overflowing of a bucket of hot tar, which ignited the woodwork. It was while fighting the fire that Groves and Gaynor received their injuries. The nearest fire hydrant was a full half mile from the factory, and this and the fact that the fireboats were unable to reach the scene, owing to the shallowness of Newtown Creek, handicapped the firemen in their work, and by the time the hose was laid the building had been burned to the ground.

Dr. Mary Crawford, of the Williamsburg Hospital, responded to a call and took both men to the hospital, where Groves died. Four or five other employes, slightly injured, went to their homes.

WOULD NOT PAY CASTRO.

Asphalt Company Considers "Compromise" Suggestions Blackmail.

The New York and Bermudez Company issued a statement yesterday denying the report that the company was ready to offer $2,500,000 to President Castro for the return of its asphalt property, seized by the Venezuelan government in 1904. The company not only denied that it had made such a proposition but stated that it had rejected offers of compromise coming from Venezuela.

The statement of the New York and Bermudez Company says:

Any such compromise is, of course, the very last thing we would consider. We deny without qualification, that any offer involving any payment by us has been made directly or indirectly to the Venezuelan government, looking to the return of our property.

The company has insistently sought arbitration of the wrongs it has suffered at the hands of the Venezuelan government, and the State Department has made every effort to secure a fair and impartial hearing of our claims on the one side, and of the counterclaims made by the Venezuelan government on the other side. President Castro has just as insistently refused to submit our claims to arbitration.

While this company has made no proposition whatever to President Castro, we receive at frequent intervals intimations that our property might be restored to us if we were willing to pay large sums of money in order to bring about a "compromise." Some years ago we considered the possibility of effecting a return of our property on a compromise basis, but having discovered that these so-called compromises involve the payment of large sums of money for what is practically blackmail, we long since ceased to consider approaches of this nature.

JACKSON BRINGS SUIT.

Seeks to Restrain American Ice Company from Doing Business.

Papers in an ouster suit against the American Ice Company were served yesterday on John R. Bennett, secretary of the company. The suit is brought by Attorney General Jackson to prevent the company from doing further business in this state. This is the latest move in the warfare against the ice company, which was started by Attorney General Mayer, and followed by the bringing of criminal action before the grand jury by James W. Osborne, special counsel to the Attorney General, finally resulting in the indictment of the company by the grand jury on five counts.

The complaint fills forty-seven printed pages. In it it is alleged that the company is a foreign corporation, that it exists against the health of the community and against the decency of trade, and it also names all of the constituent companies, which, according to the Attorney General, have been participants in the illegal profits of the company. The complaint rehearses that the Knickerbocker Ice Company and the Consolidated Ice Company entered into an agreement whereby they illegally undertook and agreed to combine their business and interests to create a monopoly in the ice business, and the Attorney General charges particularly that during the early months of 1896 this combination was able to convince certain large manufacturers of artificial ice that they should restrict their product.

In one of his seven charges he declares absolutely that this was done, and that people living in New York were put to great hardship on account of this action of the company.

In bringing the suit Attorney General Jackson asks that the company be restrained from doing any kind of business in this state, and also be restrained from interfering or preventing competition in the supply and sale of ice in the greater city and the surrounding towns in the state.

William A. Deford, Deputy Attorney General, has charge of the case for the people, and the defendants have twenty days to answer to the complaint.

IMPALED BY A RUNAWAY.

Man Trying to Stop Running Horse Meets Awful Death.

While trying to stop a runaway Louis Dershon, an ironworker, was impaled on the shaft of the wagon through the mouth and head, and was carried almost two blocks before his lifeless body fell under the hoofs of the horse.

The animal, which belongs to Grestede Brothers, of Eighth avenue and 114th street, was left by Frank Separtonio, its driver, after he had taken off the bridle and placed its oats in a box in front of it.

The driver had been gone only a few minutes when the animal became frightened by a passing automobile and started up the avenue. There was no bridle on the horse, and although a number of persons got near enough to the animal they could do nothing with it.

Dershon was crossing Eighth avenue and 116th street when the runaway came along. With him was John Einstein, of No. 156 East 101st street. Dershon tried to get alongside the frightened animal, but before he could do so the shaft caught him in the mouth and carried him off his feet. Einstein was knocked down and had his left leg fractured.

With Dershon's body still hanging on the shaft, the maddened animal fairly flew up Eighth avenue. At 120th street the runaway crashed into a van. This caused the harness to break, and the wagon became detached. The horse was finally caught by a patrolman of the bicycle squad.

TO FORM NATIONAL LEAGUE.

Under Lead of Boston, Economic Clubs Plan to Get Together.

[By Telegraph to The Tribune.]

Boston, July 6.—Following the movement promoted by the Economic Club of Boston, which resulted in the establishment of similar clubs in Portland, Providence, Worcester, Springfield, New Haven, New York, Philadelphia and Baltimore, steps have been taken to affiliate these clubs into an organization to be known as the National Economic League.

The work is being directed by a special committee, consisting of ex-Secretary John D. Long, Edwin Ginn and others. A temporary executive committee has been chosen, with William H. Lincoln as chairman and Charles J. Bonaparte, John Graham Brooks, George Burnham, jr., Peter Grosscup, President Schurman and others as members.

JAIL FOR WRECKER OF FRATERNITY.

Port Huron, Mich., July 6.—William L. Wilson, who embezzled more than $75,000 of the funds of the United Home Protectors' Fraternity, was sentenced to-day to not less than two and one-half nor more than five years in the State Reformatory, with a recommendation that a longer term be imposed. Wilson's shortage wrecked the fraternity.

M'INTYRE SEEKS DELAY

Opposing Sickness Plea, Train Says Defendant Danced July 4.

Whether a man who dances on Saturday night is physically fit to stand trial for grand larceny on the following Monday is a question that will have to be decided in the case of Thomas A. McIntyre, of the bankrupt brokerage firm of T. A. McIntyre & Co., whose trial was called yesterday before Judge Foster, in the Court of General Sessions.

A special jury was ready to proceed with the trial on the first of five indictments pending against McIntyre. The defendant, who is under $20,000 bail, did not appear in court. His attorney, J. H. McCrahon, was there, and presented an affidavit from Dr. William Shannon, of No. 139 West 81st street, to the effect that McIntyre was a very sick man and that his life would be endangered by compelling him to stand trial.

In opposing the motion of the defendant's lawyer to postpone the trial until the fall, Mr. Train, Assistant District Attorney, protested vehemently against further delay.

"This is only another of the many steps," he said, "taken in this case to cause delay. I challenge the proposition that his health would be impaired if placed on trial."

Then Mr. Train made the statement that he had made an affidavit, based on information and belief, that McIntyre attended a reception of the Atlantic Yacht Club last Saturday and that he danced there.

Thereupon Judge Foster appointed Dr. Alexander Lambert, of No. 35 East 31st street, to examine the defendant at his summer home in Bay Ridge and report to the court as to his physical fitness to withstand the strain of a trial. The physician will give his report this morning, and if it favors the contention of the Assistant District Attorney the case will be opened at once.

While an examination in the bankruptcy proceedings against T. A. McIntyre & Co. was being held recently before Commissioner Gilchrist, McIntyre was in a sanatorium, and there was a long delay before the court could obtain his presence as a witness.

SEND $10 FOR SONG PRIZE.

Composers Wot Not What Watt Did, So They Have Him Arrested.

Music is in the air from the Battery to The Bronx, and it is all because Eugene B. Watt is on trial in the United States Circuit Court, before Judge Hough and a jury, charged with using the mails to defraud authors who, in response to circulars from the Temple Court Publishing Company and the J. A. Bartlett Music Publishing Company, sent original songs and money to enter a $500 prize contest, which was to have been decided on last April Fool's Day, but which never came off. Watt contends that those who sent him money would have heard from him on April Fool's Day only the postal authorities stepped in and closed up his business.

Norwich, Conn.; Waterville, Me.; Easton, Penn., and Fort Hancock, N. J., shelter several who were lured on by the circulars to pour out their souls in song and send the result with $10 to Watt. Joseph Lowndes, of Easton, wrote a pathetic little spasm, entitled "Under the Dear Old Pine," which is believed to represent his own feelings about the ten bills he sent with the song. Joseph Curran, a resident of "The Rose of New England," sent two songs (and some money), and was informed by Watt that one of the songs would surely make a hit, for it "possesses the bloom of freshness." The expression is supposed to have referred to the song and not the writer.

Other songs which were submitted and seemed to "have a bloom of freshness" were "When We Were a Couple of Come-ons," "He May Pick the Flowers from the Wall Paper, but I Love Him as of Yore," "Swinging in the Moonlight on Walter Sweeny's Gate," "Love Me and Your Father's Coal Yard Is Mine," and "I'm Glad You're Working, Gertie, for the Rent Is Coming Due."

SAYS JURIES FIND TOO MANY BILLS.

Judge Foster Cautions July Jurymen Against Indicting Without Sufficient Evidence.

The two July grand juries were sworn in yesterday by Judge Foster in the General Sessions Court. He told the jurymen that juries here found too many indictments, many of which did not stand in the trial courts. Judge Foster said there were now 348 cases awaiting the new grand juries. Of these, 135 defendants were in prison.

Judge Foster told how he had recommended a man who had been under indictment in this county as a member of the grand jury. The man, he said, had been unjustly indicted by a grand jury, and when the case was brought to the attention of the District Attorney he recommended the dismissal of the indictment. The judge said he believed this man who had suffered unjustly would have helped the grand jury not to make similar mistakes.

"I told the members of the board for the selection of grand jurors," said Judge Foster, "the history of the case of this man, and recommended that his name be put on the grand jury list. His name is not on the panel. I only cite this instance to you to show you how easily a man may be accused by a grand jury which hastily disposes of its business."

READY TO GIVE BACK MONEY.

Spanish Student Only Wanted to Escape Disgrace.

Enrique Llanas, a Spaniard, was arrested yesterday afternoon at Broadway and 66th street, charged with the larceny of $12,400 in cash. The prisoner is only twenty-three years old, and when he was arrested by Detectives Curry and Thomas, of the Central Office, he sobbed brokenly:

"Take the money, for God's sake, and give it back to her, and let me go. Don't disgrace me."

Llanas says that his father owns a large coffee plantation near Bogota, Colombia, where he lives. For the last school year Llanas has been a student at Purdue University, at Lafayette, Ind.

The woman referred to by the prisoner, the complainant in the case, says she is Mrs. Clark Smith, of No. 119 West 63d street, but formerly living in Lafayette, Ind., where she had been keeping a boarding house for students.

Mrs. Smith said that the young Spaniard had been a roomer in her boarding house at Lafayette, and when she came to New York she took rooms at No. 119 West 63d street. Llanas, she says, told her she would better put her savings in a bank. Early yesterday morning, Mrs. Smith said, he took the money out of her room at No. 119 West 63d street and said he was going to deposit it in a bank and would return before 10 o'clock. After Llanas did not appear at the stated hour Mrs. Smith became alarmed and went around to the West 68th street police station and told the police to look up the Spaniard.

The detectives met the young man, carrying a suit case, at Broadway and 66th street, and got into conversation with him. Llanas told them he had a large sum of money with him, and the detectives immediately took him to Police Headquarters. Neatly packed in the travelling bag were $12,415.55 and a time table of the Central Railroad of New Jersey.

BIG FIRE AT STAPLETON.

Dense Clouds of Smoke When Barber Asphalt Company's Building Is Destroyed.

A fire which started in the works of the Barber Asphalt Company at Stapleton, Staten Island, yesterday afternoon completely destroyed the building containing the vat for boiling the asphalt and almost ruined the engine house. Because of the dense volume of smoke from the fire it was thought that the whole plant was afire, and thousands of people flocked to the scene, a general alarm being sent in calling all the apparatus on that side of the island.

There are a number of tenement houses near by, and also a large dock owned by Brady Brothers, the station of the Staten Island Rapid Transit and the Richmond National Bank. It was thought that some of these buildings might be destroyed, but hard work on the part of the firemen saved them.

A Polish laborer distinguished himself by running back into the engine house after it had caught fire and putting out the fires in the boilers, preventing an explosion.