CHAPELS FOR JOCKEYS

Royalty's Care for the Picty of Its Racing Stable Folk.

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Horse racing and piety are not usually supposed to go together, yet in Europe, more especially in England, many of the principal owners of racing stables, prominent among them the Duke of Portland, devote all the stakes won by their horses, amounting in the aggregate to a very large sum, to various forms of charity, while at Newmarket, which is more famous as a horse racing centre than any other place in the world, special provision is made by the proprietors of the big racing studs for the spiritual welfare of their employes, especially of the jockey apprentices, of the stable men and stable lads. Thus King Edward has built a chapel attached to his training establishment at Newmarket, where there is a congregation every Sunday of several hundred, composed of the King's people and of the stable folk from some of the other training quarters in the vicinity.

The late Caroline, Duchess of Montrose, who used to race under the name of "Mr. Manton" and who was for years so conspicuous a figure on the turf, also built a very pretty chapel of quite large dimensions on her property at Newmarket for the use of her stable folk. Like the King, she maintained a chaplain, the duties of whose pastorate were restricted to celebrating divine service in the chapel and to looking after the spiritual welfare of the people in her employ at Newmarket. In this he received a considerable amount of quite vigorous assistance from the old duchess, who was an extraordinary character, and exceedingly picturesque, not to say highly colored, in her language; for when she was at Newmarket for the race meetings she would sometimes march into the chapel after the beginning of the Sunday morning service and stride up the aisle, leading by the ear some luckless stable lad whom she had caught trying to play truant from church.

Boys begin to be trained as jockeys from the age of thirteen. They begin as stable lads, and of course they all hope to rise. When they are through riding they generally wind up as trainers. Naturally, the moral welfare of these boys requires attention, and that it is thus cared for deserves to be brought to the knowledge of those who fondly imagine that any connection with horse racing implies loose living, gambling, blasphemy, drinking and irreligion in general.

LORD WHO INVENTED SANDWICHES.

When George Montagu, former Member of Parliament for Huntingdonshire, married Miss Alberta Sturgis, stepdaughter of Francis H. Leggett, of New York, he was under the impression that he would in due course inherit not only the earldom but likewise the ancestral estates of his father's elder brother, Lord Sandwich, who is a bachelor. Lord Sandwich has, however, now announced in print that owing to the revolutionary budget of the Chancellor of the Exchequer, which strikes more severely at the owners of landed estates than at any other class, he will be unable to preserve the family estates, which extend over an area of twenty thousand acres, and that he intends to convert them into cash by means of sale, either to his tenants or to any one else who will put up the money for them.

The principal title to fame of the earldom of Sandwich is that the fourth earl figures in history as the inventor of sandwiches. It is said that he invented them for the purpose of being able to refresh himself without leaving the gaming table, and it was this which inspired the lines about himself and his contemporary fellow card player, Earl Spencer, to the effect that

The one invented half a coat,
The other half a dinner.

He used to go by the nickname of "Jemmy Twitcher," and was one of the members of that Hell Fire Club which ued to assemble at Medmenham Abbey. In his closing years his fondness for ancient music led him to found that little theatre in Tottenham street which eventually became famous in the Victorian era as the Prince of Wales's Theatre.

The great Huntingdonshire property of Lord Sandwich is known as Hinchingbrooke, and the family home is a grand old genuine Elizabethan mansion, built by Sir Oliver Cromwell, uncle of the Protector, on the site of a Benedictine convent which had been granted by Henry VIII to Themas Cromwell, his Gentleman of the Privy Chamber. Sir Oliver Cromwell entertained Queen Elizabeth and King James I with such an amount of splendor and at such lavish cost that he was obliged to sell the place, which was thereupon purchased by Sir Sidney Montagu, father of the first Lord Sandwich and a cadet of the family of which the Duke of Manchester is now the chief. Sir Sidney Montagu's son was a very distinguished naval and military commander, one of the most notable figures at the coronation of James II, who created him Earl of Sandwich, and he was blown into eternity with his flagship, the Royal James, in the great naval battle with the Dutch off Southold Bay in 1672. Part of the old Benedictine convent remains, incorporated in the mansion built by Sir Oliver Cromwell, and there are some grand old stained glass windows, adorned with the Cromwell arms; a number of old family portraits and a magnificent library, in which, of course, the diaries of Samuel Pepys, a near kinsman and intimate friend of the first earl, have a conspicuous place.

The present Lord Sandwich is in somewhat feeble health, and formerly served in the army. His next heir is his brother, the Hon. Victor Montagu, an admiral of the navy and a Crimean veteran, whose wife, Lady Agneta, a sister of the late Earl of Hardwicke, is a lady-in-waiting to the King's sister, Princess Christian. They are the parents of George Montagu. Both Lord Sandwich and Admiral the Hon. Victor Montagu are great favorites at court. Neither of them as much so, however, as was their brother, the late Colonel Oliver Montagu, of the Royal Horse Guards. He was one of the most intimate friends of the King, and may be said to have fairly worshipped the ground trodden by Queen Alexandra, while she in turn entertained the warmest friendship for him, according him her fullest confidence and appreciating in its loftiest sense the chivalrous, high-minded nature of his devotion. Indeed, there are few names that are held in more kindly and affectionate remembrance by King Edward, by his son and daughters, and in particular by Queen Alexandra, than that of Oliver Montagu, who died about twelve or fourteen years ago, nowhere more deeply mourned than at Sandringham. It was this indeed that led Queen Alexandra to consent to act as godmother to the infant son of his nephew George, the husband of Miss Alberta Sturgis. The christening took place in St. Faith's Chapel, Westminster Abbey.

George Montagu was at one time engaged to be married to Miss Olive Custance, but the match was broken off, and she became the wife of Lord Alfred Douglas, the owner and editor of the London literary weekly known as "The Academy."

NEW CONTROLLER OF KING'S HOUSEHOLD.

Lord Herschell, who has just been appointed Controller of King Edward's Household, is the son of that ex-Lord Chancellor who died with such tragic suddenness at Washington ten years ago while engaged on a special mission from the British government in connection with the Canadian fisheries problem, and whose body was conveyed to England on board an American man-of-war. It is very unusual for a peer to be chosen for the controllership of the household, which is a political office. Indeed, this is the first occasion that I can recall of a member of the upper house being given the post. Among the reasons to be found for the nomination is the fact that Lord Herschell stands particularly well in the good graces of the King, whose lord-in-waiting he was until now, and also enjoys the confidence of the administration—indeed, sufficient to become from now on the latter's spokesman for foreign affairs in the House of Lords. Sir Edward Grey, the Secretary of State for Foreign Affairs, and his under secretary of state being both of them in the House of Commons.

Lord Herschell, like his father before him, has a strong strain of Jewish blood in his veins, for the late Lord Herschell (no relative of the famous astronomer of that name) was the son of a Hebrew refugee from Poland, who was baptized by the Bishop of London, became a missionary among his former coreligionists and started a chapel of his own just off the Edgeware Road, in London, where he preached and did much good. His son adopted the law as a profession and for the first seven years after his being called to the bar met with every species of discouragement and disappointment, being practically briefless. At length, however, the leader of the Northern Circuit detected his remarkable legal ability and from that time forth his rise was steady. He became the Lord Chancellor of the realm in 1886, being the first member of his race on record to hold the office of "Keeper of the Sovereign's Conscience," as the Lord Chancellor is officially styled, and his elevation to the woolsack constituted the fulfilment of a prediction made at the time when Disraeli first became Premier, that it would not be long before the Chancellorship, the highest office of the realm, would be held by a member of the Hebrew race. Lord Herschell, who was raised to the peerage on becoming Lord Chancellor, left a fortune of more than $1,000,000, acquired entirely from his practice at the bar before being raised to the woolsack. He was a Liberal and a Home Ruler in politics, and only once excited unfavorable comment, namely when he accepted the Grand Cross of the Order of the Bath. He was the first Lord Chancellor in three centuries to accept an order of knighthood while in office, and by so doing was regarded as having lowered the lofty dignity and prestige of the Keeper of the Great Seal.

The Comptroller of the Royal Household is the second officer under the Lord High Steward, and in the absence of the latter replaces him, jointly with the Treasurer of the Household. He checks and examines all the accounts of the board of green cloth for the expenses of the household, and bears on state occasions, in token of his office, a white wand or staff. He is by virtue of his office, which dates from the reign of King Edward IV, a member of the Privy Council, and, like the Lord Steward and the Lord Chamberlain, resigns whenever the Cabinet goes out of office.

GRANDDUCHESS CYRIL TO LEAD.

Nowhere has the reconciliation of the Grand Duke and Grand Duchess Cyril with the Czar and Czarina given a greater degree of satisfaction than in St. Petersburg society. For their return to St. Petersburg means the reopening of the palace of the late Grand Duke Vladimir, which up to the time of his death was the virtual centre and hub of the great world of the Russian capital. The late grand duke, like his grand duchess, was extremely hospitable, and throughout the St. Petersburg season their palace was the scene of a continuous round of entertainments and brilliant fêtes. Moreover, the Grand Duchess Vladimir was the moving spirit in every festival organized either for the sake of charity or mere pleasure, and owing to the very retired life of the Emperor and Empress during more than ten years past may be said to have acted as leaders of the Russian grand monde, very much in the same way as the then Prince and Princess of Wales did with regard to the London great world during the last half of the reign of Queen Victoria, owing to her withdrawal from society.

Since the Grand Duke Vladimir's death and the eclipse of his widow through mourning, St. Petersburg society has been, so to speak, without any guidance. It has been, in fact, without any rallying point and hub, owing to the close of the Vladimir Palace, and, being without direction, has given signs of disintegration; that is to say, all the great families have begun to live each for themselves, the intercourse with one another decreasing day by day, just because of the absence of any force powerful enough to bring them together. Grand Duke Cyril and his wife will furnish this force. He has now all the wealth necessary to lead a very magnificent existence at St. Petersburg, while his wife, the ex-Grand Duchess of Hesse, is a very brilliant and clever woman, much more so, indeed, than the Grand Duchess Vladimir, gifted in every respect like her sisters, the Crown Princess of Rumania and the newly married Princess Alphonse of Spain. She is fond of society and of fêtes, and the years which she has spent in Paris and in the South of France since her marriage to Cyril, in defiance of the Czar's commands, and consequent exile from Russia, have served to impart an additional touch of Parisian wit and elegance to those which she already possessed. She will now take the place of her widowed mother-in-law as leader of St. Petersburg society, and will have no rivals, least of all among the other women of the imperial House of Romanoff.

MARQUISE DE FONTENOY.

MARRYING IN LONDON COSTLY.

Newspaper Man Had to Get Fourteen Permits and Tip Everybody.

R. W. Howard, a newspaper man, of this city, who went abroad several months ago on business, and incidentally to take unto himself a wife, arrived here yesterday from Southampton, on the North German Lloyd liner Kaiser Wilhelm II. Mr. Howard was glad he had married, but, learning that David Morrisey, a fellow newspaper man, who met him at Quarantine, also planned to be married abroad, he advised against such an expensive proceeding.

"If you will marry abroad, Dave," said Howard, "don't have the knot tied in London, because it is attended by much red tape and an abundance of tipping. I had to get fourteen varieties of permits and make a generous tip in each instance. I even had to tip the vicar and his wife in the church in London after giving a fee to the rector."

The Marquise Dusmet, who was a passenger on the Kaiser, brought over a Newfoundland dog of such large dimensions that it could neither be led nor backed into the largest dog crate on the steamer. The ship's carpenter had to build a kennel, 12 feet long, 6 feet wide and 6 feet high.

JEWISH PRESS CLUB ORGANIZED.

The Jewish Press Club of New York was organized with sixty members yesterday afternoon at the Educational Alliance, No. 197 East Broadway. The officers elected were: President, Professor Joseph Jacobs, editor-in-chief of "The American Hebrew"; first vice-president, Morris Winchefsky, a Yiddish poet; second vice-president, Peter Wiernick, author of "The History of the Jewish People"; third vice-president, George Selikowitch, of the editorial staff of "The Jewish Daily News"; secretary, Abe Goldberg, editor of the weekly "Jewish Nation"; treasurer, Joseph Barondess, a labor leader. Any Jew who has been connected with the Jewish or the general press is eligible for membership.

"HUNTING THE BEAUTY SPOT."

The members of the company performing in "The Beauty Spot" at the Herald Square Theatre went to Tarrytown on a picnic yesterday, leaving the theatre in three sightseeing coaches. Jefferson De Angelis, the star, went along in his own automobile, and won the time prize offered to the member of the company who reached Tarrytown first. The remaining fifty-nine picnickers went on the steamer City of Worcester.

During the trip up the river a carnation tea was served by Miss Viola Gillette. While this was going on there was a game called "hunt for the beauty spot," which was a piece of black paper pasted on the back of George J. Macfarlane's neck. Miss Isabelle D'Armond was successful in the search and won a diamond ring. Miss Anna Milwood won the fishing contest and the footrace for members of the chorus. As a reward for her fleetness she will occupy a lower berth on the first night jump made by the company. Miss Lillian Hazel proved herself the best greased pole climber in the company.

CROWD ON AMERICAN ROOF GARDEN.

The Amerian roof garden and Adirondack camp was crowded again last night. Every seat was occupied, and there were many persons standing up to see Consul and his fellow entertainers.

THEATRICAL NOTES.

Miss Laura Nelson Hall was engaged yesterday by Brooks & Dingwall to play the leading feminine character in their Drury Lane drama, "The Sins of Society," which opens on August 31 at the New York Theatre. Later they will present her in her own play, "The Meddlers," which recently had a successful try-out in Cleveland.

Harmanus Bleecker Hall, in Albany, has been added to the circuit of Shubert playhouses.

Adhering to his rule of employing only married folk to play in "Is Matrimony a Failure?" David Belasco announces the personnel of the company as follows: Husbands—Frank Worthing, William Ferguson, William Morris, Frank Manning, James Bradbury, Edward Langford, John F. Webber, Newton Lindo and Robert Rogers. Wives—Jane Cowl, Kathryn Osterman, Louise McIntosh, Louise Woods, Julia Reinhardt, Blanche Yurka, Margaret Ferguson, Jessie Morris Sullivan. Engaged—Jane Grey. The last name is the exception that proves Mr. Belasco's rule. All will have a chance to prove their theatrical worth at Atlantic City on August 16, preparatory to the opening here on August 24.

PROMINENT ARRIVALS AT THE HOTELS

ALBEMARLE—Pierre and Griswold Lorillard, Tuxedo. ASTOR—Count O. C. Gubatta, Paris; Countess d'Etchegoyen, Master A. d'Etchegoyen, Paris; W. O. Franklin, Los Angeles. BELMONT—Mrs. Lloyd Griscom, Philadelphia; Judge and Mrs. D. R. Howe, Hartford; C. R. Corning, London. HOLLAND—Arthur Meeker, Chicago; W. Cooper Proctor, Cincinnati. HERMITAGE—W. F. Fowle, U. S. N. MANHATTAN—Dr. Lee Watling, Berlin; C. G. Ballentyne, Honolulu. ST. REGIS—Mr. and Mrs. Charles D. Freeman, Iselin, N. J.; Mrs. Joseph D. Willard, Misses Belle and Elizabeth Willard, Richmond. WALDORF-ASTORIA—Jay Cooke, G. A. Hurn, Philadelphia; J. T. Harahan, Chicago. WOLCOTT—Edward Fitzgerald, jr., Troy.

WEE WAGE EARNERS

Sometimes the Fund Must Make Up Pay That They May Go Away.

Workers for the Tribune Fresh Air Fund often have the greatest difficulty in persuading parents to let their children go into the country. It is not because the fathers and mothers are unwilling that they should go, but they cannot afford to let them stay away for two weeks. Very often cases are found where a little girl, nine or ten years old, is one of the wage earners of the family. Instances exist where the city missions have been compelled to pay the parents the amount of money the children would earn before they would allow them to be taken into the country. This seems at first surprising, but when the circumstances are considered the reasons for this attitude are more evident.

The combined labor of mother and daughter, working from twelve to fourteen hours a day, often brings only $2 or $3 at the end of a week for the support of a family of small children, and the absence of the little girl in the country for two weeks means a material financial loss to the family. Sometimes the fund is able to send away all the children of one family at the same time, thus cutting down the expenses of a home so that the mother has only herself to support for the time being.

Louise is thirteen years old, and the workers at the Broome Street Tabernacle have been endeavoring to send her to the country. She is the oldest of a family of five. Her mother is a widow. Together they work at home, finishing gloves after they have come from the machines. Seventy-five cents a dozen pair is the best they can get for the work. The little girl needed the fresh air badly, and her mother wanted her to go, but couldn't afford to lose the few cents she earned during the day. Arrangements were made to take her away, but only too often it happens that little can be done to relieve a situation like this.

One girl only ten years of age must stay at home this summer to help earn the $2 a week which she and her mother get for many hours of sewing. Her father is crippled with rheumatism, and mother and daughter are forced to support him. Four cents a dozen for making towels is all one mother gets to support a family of six. The little children who work contribute very largely to the livelihood of the family in cases of this kind. These are the children that the Tribune Fresh Air Fund is making every effort to get hold of because long hours of work and confinement are a serious handicap to their health.

Among the children who recently went to the Eunice Home, at Chapel Hill, N. J., was a little girl slightly over twelve years of age, whose careworn face attracted the attention of the attendant at once. On the way from the station to the home the girl sat in the carriage silently adoring the green fields and trees. A faint smile played from time to time over her pale, thin face, which was otherwise as serious as though she bore the burden of an entire family on her shoulders. She confided to the attendant how she happened to come:

"I was ironing," she said, "when they came and said I could come to the country. Oh, I was so glad! I'd 'a' had to iron all day, 'cause there are five children and I am the oldest. Now I can pick daisies, can't I?"

As the children return to the city from the different homes their words and actions would indicate that their happiness had been complete during their vacation. One of the most popular homes is Ashford Hill. One little boy returning from that home this week declared that it was "more better than last year." When asked just what was better, he replied:

"Everything was more better. The shadow pictures were more better, the Injuns were more better and the ice cream was more better, and the ice cream," he added, as if to atone for any disloyalty, "was awful good last year."

One hundred and eighty children were sent away yesterday. Seventy-one of this number went to Utica, N. Y., twenty-five to Claverack, thirteen to Carlisle, Penn., fifty-six to Albion, N. Y., and fifteen to Warwick. Twenty-four children returned from Claverack and eight from Rushville.

The manager appreciates very much the increased contributions which have come in in the last few days. They are of material assistance to him in planning for the work for the many large parties which are scheduled to go next week.

ACKNOWLEDGMENTS.

"In loving memory of S. B. S."	$10 00
"H. and K. W."	15 00
Newtown Presbyterian Church, Newtown, Long Island	5 70
"In loving memory of T. D. R."	5 00
"In memory of Ned"	25 00
Beginners' class birthday bank, Reformed Church, Kinderhook, N. Y., through Mrs. N. D. Garnsey	3 00
"E. F."	5 00
Mrs. Amos C. Requa, Peekskill, N. Y.	5 00
"In loving memory of William J. Reinhart, Paterson, N. J."	5 00
James W. Jackson	25 00
"A Friend"	500 00
J. C. Estelow	5 00
Mrs. A. C. Kingsland, Paris, France	100 00
Previously acknowledged	11,597 76
Total July 20, 1909	$12,306 46

MRS. TAFT TAKES A SAIL.

Beverly, Mass., July 20.—Mrs. Taft took her first sail on the ocean since coming to Beverly late to-day aboard the Sylph, making a trip down the harbor.

Robert A. Taft was defeated in the second round of the men's singles in the annual lawn tennis tournament of the Montserrat Golf Club on the club links to-day by H. S. McKee, of Pittsburg, who took the match, 6—4, 6—1. Miss Helen Taft, who was drawn to meet Miss Lucy Blair, of Chicago, did not contest, and forfeited the match by default. Mrs. Taft and her sister took a carriage drive to the courts in the afternoon and watched the play.

DANCE IN HONOR OF MISS TAFT.

Manchester, Mass., July 20.—Miss Helen Taft, daughter of President Taft, was the guest of honor to-night at a reception and dance at the Essex County Club, where the dance was held, at which her intimate friend, Miss Mabel Boardman, of Washington, was the hostess. About ninety guests from among the younger set of the North Shore summer colony were present.

MRS. YERKES SURE OF A MILLION.

The application for the issuance of ancillary letters to Louis S. Owsley, executor for the estate of Charles T. Yerkes, was again on the calendar of the Surrogate's Court yesterday, and the argument was again adjourned. According to Clarence A. Knight, of counsel for Mrs. Yerkes, the widow's share of the estate will be about $1,000,000 whichever way the litigation is decided.

THE WEATHER REPORT.

Official Record and Forecast.—Washington, July 20.—Under the influence of high barometric pressure which covers practically the entire country east of the Mississippi River, there was a continuation of fair and pleasant weather in the Mississippi Valley and the districts east thereof, except in the upper lake region and Florida, and along the east Gulf coast, where there were local rains. Local rains are also reported from the Rocky Mountain region, Arizona and scattered points in Texas. Elsewhere west of the Mississippi Valley the weather remained fair.

The temperature continued below the normal in the states east of the Mississippi River and in the Rocky Mountain and plateau region. Moderately high temperature is again reported from the plains states, while in the Rocky Mountain region the weather is cooler.

Fair and pleasant weather will continue during Wednesday and Thursday throughout the eastern half of the country, except in the upper lake region and Florida and along the Gulf coast, where there will be local rains. Showers are indicated for local areas in the Rocky Mountain region and the Northwest, and fair weather will continue in the Southern plains states.

The tendency will be toward slightly warmer weather in the Eastern States and the Middle West. Lower temperature is indicated for the middle Missouri Valley. Temperature changes elsewhere will be slight.

Steamers departing Wednesday for European ports will have light to moderate, variable winds and fair weather to the Grand Banks.

The winds along the New England coast and middle Atlantic coast will be light variable; south Atlantic coast, moderate, variable, mostly east; east Gulf coast, moderate east; west Gulf coast, moderate north and northeast; on the lower lakes, light to moderate south and southwest, and on the upper lakes moderate south.

Forecast for Special Localities.—For New England, Eastern New York, Eastern Pennsylvania, New Jersey, Delaware, Maryland and the District of Columbia, fair to-day and Thursday; mild temperature; light to moderate variable winds.

For Western Pennsylvania and Western New York, partly cloudy to-day and Thursday; somewhat warmer to-day; light to moderate south winds.

Local Official Record.—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:

	1908.	1909.		1908.	1909.
3 a. m.	71	61	6 p. m.	84	80
6 a. m.	69	60	9 p. m.	77	75
9 a. m.	74	69	11 p. m.	75	73
12 m.	81	77	12 p. m.	74	—
4 p. m.	85	81			

Highest temperature yesterday, 81 degrees; lowest, 60; average, 70; average for corresponding date last year, 78; average for corresponding date last thirty-three years, 74.

Local Forecast.—Fair to-day and Thursday; light to moderate variable winds.

WANT'S STERRY'S MONEY.

Wife of Slayer and Suicide Demands Filing of Will.

The sensational killing last summer of George E. Sterry, a wholesale druggist, by his son, George E. Sterry, jr., who then committed suicide, was recalled yesterday when counsel for Mrs. Mildred Sterry, widow of the son, applied to Surrogate Cohalan for an order directing James W. Sterry and John De Witt Sterry to file the will of her father-in-law.

Mrs. Sterry contends that her husband did not succumb to the wounds inflicted on himself until after his father died, and that therefore she is entitled to the share of the elder Sterry's estate left in his will to the young man. The will of George E. Sterry, jr., which left the testator's estate to his wife, was probated, but the will of the father has never been filed for probate. Mrs. Sterry demands one-fourth interest in his estate.

Counsel for the respondents explained that they had not filed the will for technical reasons. The Surrogate reserved decision.

The elder Sterry was a widower. It was said that he contemplated marrying a woman about fifty years his junior, which preyed on the mind of his son George until it caused his mental collapse.

BURGESS WILL PENALIZES MARRIAGE.

Mineola, Long Island, July 20.—Disposing of an estate supposed to be worth $1,000,000, the will of W. H. Burgess, of Oyster Bay, was filed in the Surrogate's office here this morning. A trust fund of $50,000 is set aside for the three daughters—Rita Burgess Gurnell, of No. 337 Lexington avenue, Manhattan; Helen Burgess Bryan, of Paris, and Elsie Burgess, who lives with her mother. The remainder of the estate is left to the widow, Cora L. Burgess, in trust, but if she remarries she is to have only the interest on $10,000 and the remainder will go equally to the three daughters.

CONTESTS WILL FOR INCOMPETENT.

Notice of contest of the will of Jemima Anne Turner, who died last May, was filed at the Surrogate's office yesterday by Michael J. Kelly, of No. 32 Broadway, who was appointed by Surrogate Cohalan as special guardian of Mary A. Fowler, a niece of the testatrix. Miss Fowler is officially an incompetent person, and is confined in the Hudson River State Hospital at Poughkeepsie. It is alleged on her behalf that the will was improperly executed and that its execution was procured by fraud.

OBITUARY.

LIEUT. COMMANDER A. P. OSBORN, U. S. N.

Portsmouth, Ohio, July 20.—Lieutenant Commander Arthur P. Osborn, U. S. N. (retired), aged sixty five years, died at his home in Wheelersburg, near here to-day.

Arthur Patterson Osborn entered the Naval Academy from Ohio on July 31, 1865. In 1877 Osborn, then a lieutenant, was detailed to the Naval Academy, being in command of the nautical schoolship St. Mary's from 1877 to 1881. From that time until 1884 he commanded the Quinnebaugh, at a European station. He was on the receiving ship New Hampshire, from 1885 to 1886. He returned to the schoolship St. Mary's in 1886 and remained until 1889, when he was transferred to the Thetis, of the North American station, where he served until 1892. From 1892 to 1894 he was on the schoolship Enterprise. In June, 1894, he was detailed to the Naval War College, and in November of the same year he was sent to the receiving ship Franklin. From July, 1895, until 1898 he was in command of the coast survey ship Gedney. In Cetober, 1896, he was commissioned a lieutenant commander. He commanded the coast survey ship McArthur in 1898, and was ordered to the United States ship New Orleans in March of the same year. Commander Osborn was retired in December, 1898.

BRIG. GEN. CHARLES E. COMPTON, U. S. A.

Los Angeles, July 20.—Brigadier General Charles Elmer Compton, U. S. A., retired, died at the home of his son, Paul L. Compton, in Hollywood to-day. He served in the Civil War and various Indian campaigns and was appointed brigadier general of volunteers at the outbreak of the Spanish-American War. He was retired with the rank of brigadier general in 1904. He received two brevet ranks for meritorious service, one in the campaign against Mobile and the other in the Red River campaign against the Indians in Texas.

SENATOR M'NICHOL'S WIFE DIES.

Atlantic City, N. J., July 20.—Mrs. J. P. McNichol, wife of the well known State Senator from Philadelphia, died suddenly at her home here today. Mrs. McNichol had long been suffering from Bright's disease. Senator McNichol was in Philadelphia when the end came.

OBITUARY NOTE.

DR. CLAIR PARKHILL, of Hornell, N. Y., president of the Erie Railway Surgeons' Association, an officer of a score of county, state and national medical associations and a leading physician of Steuben County, died suddenly yesterday. He was stricken by apoplexy when attending a patient.

"SCISSORS" BAKER IS DEAD.

Once a Reporter and of Good Family, He Worked with Mark Twain in Nevada.

[By Telegraph to The Tribune.]

Boston, July 20.—Clinton Humphrey Baker, known as "Scissors" Baker, a knife and scissors grinder who frequented the downtown office district, was found dead to-day from heart disease at a Washington street lodging house.

Baker, who was a lovable old man, was once a reporter, having worked with Mark Twain on "The Virginia City (Nev.) Enterprise." His great-grandfather was one of the signers of the Declaration of Independence, and his father was with Frémont's expedition.

NEW YORKER KILLED BY FALL.

Streitberg, Bavaria, July 20.—A Mr. Ringelmann, whose first name is not known, a New York merchant, was killed to-day by a fall from a window in the top of the Hotel Scheurmann.

Mr. Ringelmann arrived here a day or two ago in an automobile, with the intention of entering a sanatorium. He was unable to get accommodations in the sanatorium because of its being overcrowded.

OSCAR WILDE'S BODY REBURIED.

Paris, July 20.—The body of Oscar Wilde, the writer, which was buried at Badnaux in 1900, was transferred to-day to Père la Chaise. A brief religious service was held at the cemetery chapel and was attended by a small group of relatives and friends. The transfer was quietly arranged by Robert Ross, Wilde's executor. The ground in which the body now lies is secured in perpetuity.

BLAMES MOTHER FOR SHOOTING.

Boy Who Hit Chum with Air Gun Tells Parent It Should Be a Lesson.

"Give the officer the rifle, mamma, and let this shooting be a lesson to you not to give me any more guns," cried eleven-year-old Charles Klein, of No. 229 Avenue C, as he was being placed under arrest yesterday morning on a charge of shooting seven-year-old James Mezzalo, of No. 647 East 13th street, with an air rifle. Mezzalo suffered a rupture of the left eye, and Bellevue Hospital officials fear he may lose the sight of the eye.

Young Klein said he was shooting at sparrows and that a stray shot hit his playmate. He was taken to the Children's Court, where Justice Wyatt remanded him to the custody of the Children's Society on a charge of felonious assault to await the result of Mezzalo's injury.

COLUMBIA SUMMER SCHOOL BUSY.

Nearly two thousand students are taking part in the summer session of Columbia University. Of these, 1,930 are up on Morningside Heights and 21 at the College of Physicians and Surgeons. The students have come from nearly every state and territory in the Union, from Canada and Nova Scotia and from many foreign countries. The increase over last year is about four hundred.

FOREST FIRE IN YOSEMITE PARK.

Yosemite, Cal., July 20.—A forest fire is raging in Yosemite Park in the gorge bounded by Glacier Point Cliff, Panoramic Cliff and the Half Dome. Cavalrymen are trying to prevent its spreading across the trail to the untouched portions of Merced Canyon.

EMPLOYERS' LAW FAILS

STATUS IN STATE COURTS.

Connecticut Supreme Court of Errors Decides Against Statute.

New Haven, July 20.—The Connecticut Supreme Court of Errors this afternoon handed down a decision in favor of the New York, New Haven & Hartford Railroad in the actions of William H. Hoxie and Edgar G. Mondou, for damages, finding no error. In effect this means that the court, by unanimous opinion, declares the employers' liability act, passed by Congress on April 22, 1908, cannot be enforced in the state courts.

In the Hoxie case, after the railroad as defendant in the Superior Court had set up the plea that the act in question was unconstitutional in the parallel case of Mondou, who also was a railroad brakeman injured while coupling cars, the federal government intervened, the Department of Justice being represented by special attorney. The arguments were made at Hartford last month.

The opinion was written by Chief Justice Baldwin. The case was an action for damages brought by William H. Hoxie, a train hand, for injuries received on the railroad of the defendant corporation at Auburn, Mass. The complaint alleged that while coupling cars the plaintiff was hurt, due to the negligence of a fellow servant in control of another train running between Hartford and Worcester. He based his claim on the federal act relating to the liability of common carriers engaged in commerce between states. A demurrer to the complaint was sustained and judgment rendered for the defendant. The decision upholds Judge Ralph Wheeler, of the Superior Court, who had declared unconstitutional the act in question in the Mondou case. In his opinion Chief Justice Baldwin says:

The act of Congress now in question creates a statutory right of action. It is one not existing in common law nor in chancery. It is one which, if warranted by the Constitution of the United States, may, under their general laws relative to the jurisdiction of the circuit courts of the United States, whenever damages exceeding $2,000 are claimed, be made the subject of judicial proceedings in the courts of the United States as a suit of a civil nature arising under the laws of the United States, without reference to the citizenship of the parties.

Two questions present themselves at the threshold of the present case. The first is whether Congress intended by this act to authorize the institution of an action under it in the courts of the state. The second is whether, if such were its intentions, it had power to make it incumbent on the state courts to assume jurisdiction.

At common law a servant cannot recover from his master for injuries received from the negligence of a fellow servant acting in the same line of employment. Congress has now seen fit to give an action where the common law denied it.

Chief Justice Baldwin then goes into the law on the question of damages, as laid down by various courts of jurisdiction, including the Supreme Court of the United States, and says:

First—Congress did not intend by the act of April 22, 1908, to authorize the institution of an action under it in the courts of the states.

Second—It had no power to make it incumbent on the state courts to assume jurisdiction of such an action.

Third—The issues for the Superior Court involved the consideration of these points, which justified of themselves the dismissal of the plaintiff's action, but further

Fourth—The act, so far as it concerns this cause, is wholly void by reason of certain of its provisions, which cannot be separated from the rest.

AERONAUTS IN QUICK DESCENT.

Pilot of Balloon Ascending from Pittsfield Says He Never Came Down Faster.

[By Telegraph to The Tribune.]

Winsted, Conn., July 20.—Winsted to-day witnessed a thrilling descent by three aeronauts, William Van Sleet, pilot; C. T. Fairfield, of Rutland, Vt., publisher and editor of "The Rutland Evening News" and president of the Vermont Aero Club, and Professor Oswald Tower, of North Adams, teacher of science in Wesleyan Academy, Wilbraham, Mass. The men ascended from Pittsfield, Mass., at 8:40 a. m. When at an altitude of 8,900 feet the balloon started across the town, and then suddenly began to drop. So rapid was its descent that all three men were rendered deaf for half an hour.

The party finally landed without accident on the farm of Daniel O'Neil, in Mooreville. All ballast in the car had been dumped to avert a landing in the heart of Winsted's business district. It was Van Sleet's thirty-sixth flight, and he said he never experienced a quicker ride to earth.

The balloon All America, which ascended from North Adams, Mass., at 7:15 a. m. and landed in Durham at 10:30, passed over Winsted at 9 a. m.

JOHN TRUBE DISAPPEARS.

Husband of Beatrice Marks, Who Eloped with Him Some Weeks Ago.

A private general alarm was sent out by the Bronx detective bureau last night for John Trube, twenty-one years old, of No. 325 Classon avenue, Brooklyn, who is said to be the son of the late W. H. Trube, onetime consul general to Austria-Hungary, and whose elopement with Beatrice, the sixteen-year-old daughter of Solomon Marks, the wealthy retired clothing merchant of Harlem, caused some excitement six weeks ago among the acquaintances of the family.

The young couple lived for six weeks at the Classon avenue apartments. Beatrice told the police last night that her husband had more than once declared his intention of killing himself; why, could not be learned. He disappeared from home Saturday morning and left his wife without food or money. She said he had been employed for four years in the offices of the Union Pacific Railroad Company.

TOLD MAGISTRATE TO "BEAT IT."

Mr. House Did So Without Stopping to Argue with Policeman.

In impressing upon a prisoner the importance of that part of a policeman's duty which required that he should prevent crowds from congregating in the streets, Magistrate House, in Essex Market court yesterday, told how he "beat it" the other day when ordered to do so by a new patrolman.

"It was late in the afternoon," said the magistrate. "I was standing at the corner of 23d street and Fifth avenue. Some sort of a parade was passing, and, being fond of music, I stopped to listen.

"Presently I felt a tap—and it was not gentle—on my shoulder, and a young 'cop' said in a gruff voice: 'Say, you beat it and beat it quick.'

"I did not stop and tell this policeman that I was a city magistrate, nor that I was the only person standing at the corner and was in no way blocking the street or causing a crowd to gather, but I simply and quickly 'beat it.' Now, if I can 'beat it' when a copper tells me to, I believe you can."

POLICE KIND TO VETERAN.

Largely through the representations of Police Captain Baldwin, of the Mercer street station, Magistrate Cornell, in Jefferson Market court, yesterday released Thomas Foreman, who tried to kill himself at his home, No. 14 Charles street, on July 3. The prisoner said he had suffered from malarial poisoning, as the result of his Civil War experiences, but owing to the negligence of a physician failed to get a pension. Recently he had been out of work and there was small chance of his getting any, as his clothes were in tatters. After the veteran was set free Captain Baldwin handed him $21 to that the policemen of the Mercer street station had collected for him.

HARLEM CLAIMANT IN BELLEVUE.

Henry Pennington Toler, a former member of the New York Stock Exchange, who laid claim about eight years ago to vast properties in Harlem, in the name of "heirs" to George III's alleged grants, is in Bellevue Hospital, being examined as to his sanity. Toler's recent obsessions have been religious.

STILL AFTER THE PLATTS.

Express Company Officials Ordered to Appear for Examination.

Justice Bischoff, of the Supreme Court, signed an order yesterday directing Thomas C. Platt, Edward T. Platt and other officers of the United States Express Company to appear in Special Term, Part II, on July 27 for examination before trial of the suit brought by John L. Dudley, a stockholder of the company, for an accounting. The order also directs the defendants to bring with them all their check books, stock transfer books and contract books, and to answer questions regarding them.

Dudley, who holds 100 shares of United States Express stock, failed in a recent effort to examine the books of the corporation. He also applied for the appointment of a receiver, making allegations of mismanagement, which application was also denied. Dudley brings his proceeding of inquiry into the conduct of the officers of the United States Express Company on the affidavits of former employes of the company.

It is expected that the defendants will move to vacate the order of Justice Bischoff.

SIGNAL CORPS OFFICER QUITS.

Captain Pohl Says He Must Devote More Time to His Business Affairs.

Captain Archibald W. J. Pohl, commanding the 2d Company, Signal Corps, has tendered his resignation to Major General Charles F. Roe. It is understood that it will go into effect in a few days. Captain Pohl's action caused much surprise in military circles, especially among the signalmen.

Captain Pohl said at his home, No. 1312 Avenue H, Flatbush, last night that his private business had grown so much in the last year that he was compelled to resign his command because he was unable to give it proper attention. He denied that there had been any friction in the company which prompted his getting out.

Joining the national guard as a member of the old 2d