



GRIP ENDS THE LIFE OF DAVID H. MOFFAT

Western Capitalist Dies Suddenly After Joking With His Physician.

END COMES IN HOTEL HERE

Born in This State—Going to Denver, He Became Leader in Banking, Mining and Railroad Building.

David H. Moffat, of Denver, long a leader in banking, mining and railroad building in the West, died suddenly at the Hotel Belmont yesterday at 10:40 o'clock.

The immediate cause of his death, Dr. Gibbons said last night, was a weak heart, which was further affected by a slight attack of grip contracted a few days ago, developing a touch of pneumonia that his age could not withstand.

Shortly after he left Denver, in January, to come to New York one of his closest friends, Colonel L. A. Elcholtz, a director of Mr. Moffat's bank, the First National of Denver, died.

Mr. Moffat had come to New York to attend to business. He was accompanied only by William G. Evans, vice-president of the Moffat road, as called, Mr. Evans was out at the time of his death.

Mr. Moffat was recognized as the leading citizen of Colorado so long that the memory of the present generation in that state hardly goes back to the time when any other was more prominent than he in that commonwealth.

He was born in New York State, but moved westward early in his life and then still further westward, and it was his connection with the development of Colorado that gained him his greatest renown.

Mr. Moffat was rated many times a millionaire, his wealth being estimated as high as \$10,000,000. He was born in Washington, Orange County, N. Y., on July 22, 1832.

MADEROS IN RUBBER DEAL

Family Sells \$20,000,000 Property to International Co.

Torreon, Mexico, March 18.—It is authoritatively announced here that Evaristo Madero, the father of the rebel leader, Francisco I. Madero, and his sons have just closed a deal in New York, selling to the International Rubber Company their Guayule rubber factories and about four million acres upon which shrub is growing for \$20,000,000 gold.

The Rockefeller-Aldrich interests are accredited with the control of the International company and have been after the Madero rubber properties for more than two years.

SHE SHOOTS HER HUSBAND

Woman Then Tries to Die—Thought Him Burglar.

Chicago, March 18.—After an all-night party, beginning with a midnight supper and ending with a "seeing the sun rise" gathering at daylight, Mrs. Jessie Shenck shot and killed her husband, Charles Shenck, in their home in Park Ridge, a fashionable suburb, early to-day.

Shenck was superintendent of the Park Ridge branch of the Northwestern Gas, Light and Coke Company. He was dead when the first person, a neighbor summoned by Mrs. Shenck, reached their home.

Mrs. Shenck has been in a state of intermittent hysteria since the shooting, but succeeded in making a statement to the police. She said her guests had remained until nearly 6 o'clock, and she had retired immediately after their departure.

A police guard was placed around the Shenck home, one officer being detailed in the house to watch Mrs. Shenck. Twice she rushed to a window and tried to throw herself out, and once she sought another revolver in an effort to shoot herself.

MRS. EMERSON'S ANSWER

Calls Husband's Charge a "Deliberate Falshood."

Baltimore, March 18.—Mrs. Emille Askew Emerson filed in the Circuit Court to-day her answer to the bill for an absolute divorce entered on January 18 by her husband, Captain Isaac T. Emerson, the millionaire medicine manufacturer.

Mrs. Emerson's reply is a denial of the allegations of her husband. It branded as a deliberate falshood his charge that she had been unfaithful to him as a wife.

The lawyers declined to say whether or not a cross bill would be filed by Mrs. Emerson. It is reported that a compromise may be reached, in which case Captain Emerson would make a satisfactory financial settlement on his wife.

AN OHIO JEKYL-HYDE

Philanthropist by Day Was a Thief by Night.

Cincinnati, March 18.—Anthony Gahl, confessed thief, who posed as a philanthropist by day and robbed his neighbors by night, pleaded guilty to two charges of housebreaking and one of petit larceny in the police court to-day, and wept throughout the proceedings.

Gahl has been identified by a picture in the rogues' gallery as a former prisoner in the Kentucky penitentiary.

VERDICT AFTER TEN YEARS

Defendant Supplied Bad Ammunition to Castro's Enemies.

It has been a moot question in Venezuela for ten years as to just what happened to the insurgents when they came to fight the deciding battle against President Castro. The answer is now at hand and is revealed through the medium of an action decided in the Supreme Court in this city.

The suit was brought by Thomas E. Evans, of the commission firm of Thomas E. Evans & Co., against the M. Hartley Company, dealers in arms and ammunition. The plaintiff sought for the defendant a quantity of war supplies for the insurrection started in 1901 by Manuel A. Matos.

At the decisive battle at La Victoria, when General Castro rode forth on his black charger, General Nicolas Relandio, of the insurgent army, gave the word to fire. General Penabaz, of the same force, also gave the command. The men pulled the triggers, but there was no fire. The shells refused to explode.

The investigation that resulted in the suit decided yesterday. There was no explanation why the other two-thirds of the arms and ammunition ordered and paid for had not been delivered, but Justice Gerard directed the jury to render a verdict for \$31,896 against the M. Hartley Company.

BILL BARS HAREM SKIRT

Atlanta Alderman Says It Is "Provocative of Riot."

Atlanta, March 18.—Holding that the harem skirt is "provocative of riot" in women's dress and that it is "provocative of riot," Alderman Everett introduced in council, to-day an ordinance barring the skirt from Atlanta. The ordinance has an excellent chance to pass.

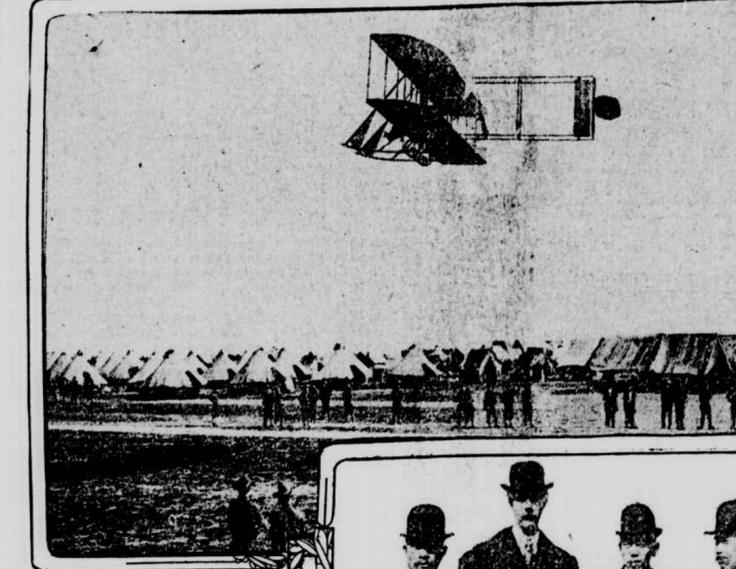
"This garment," says Everett, "is modeled on lines entirely at variance with the traditional and time-honored ideas of what a woman's skirt should be. Atlanta has always enjoyed the reputation of being a town where the delicate sensibilities of the women of the streets are never offended. It is the duty of the city to maintain this reputation."

CIGARETTES BARRED IN UTAH

Salt Lake City, March 18.—A bill making it a misdemeanor to sell cigarettes or cigarette papers finally passed the Legislature yesterday.

THE USE OF THE AEROPLANE AS A WAR SCOUT.

PARMELEE AND LIEUTENANT FOLLOWS FLYING OVER THE CAMP AT SAN ANTONIO.



(Photo by the American Press Association.)

INNOCENT MAN FREE. AFTER TWENTY YEARS

Steel Worker, Pointed Out by Guilty Man, Expiated Murder He Never Committed.

WANTS FARM FROM CARNEGIE

Bears No Malice for Wrong Done Him—Will Go Back to Fatherland After Seeing His Eight Grandchildren.

Pittsburg, March 18.—Andrew Toth, who said he "prayed to the Blessed Virgin every day to make the truth known" and to right the wrong that sent him to prison for life for a murder he never committed, walked out of the Western Penitentiary to-day a free man, after twenty years imprisonment.

A thousand workmen from the steel works where he once was employed took a half holiday and visited the penitentiary gates to cheer him when he left the prison.

In the crowd were twenty old steel workers who were in the mill when "Andy" Toth was sent up for life. They had contributed to the fund that paid for the investigation through which he was proven innocent.

Toth is fifty-two years old, he looks seventy. He was accused of killing a mill hand named Quinn by striking him in the back with a pick. Stephen Toth, a fellow countryman, confessed at his home in Hungary, two months ago that he killed Quinn, and that Andrew Toth was pointed out to the coroner's jury by mistake. Governor Tener acted at once, granting a pardon.

"I never saw the man who was killed," said Toth, who wept during most of his ride downtown. "I do not expect any money from the state. The state could not help it that I was convicted. Mr. Carnegie might give me some, though. If I could see Mr. Carnegie, I could ask him for a little farm where I could go with my wife and end my days."

"Do you feel angry toward Peter Mullen, who identified you as the murderer?" he was asked.

"No, I do not. There is one above us who sees that justice is done." Toth fondled his rosary beads. "These kept me from going insane. He said, 'I prayed every day to God and the Blessed Virgin to make the truth known.'"

Toth's wife returned to her home in Hungary years ago, broken hearted. The sons wanted to send for her, but the old man said no; he would go back to the fatherland, too. "First I must go to see my eight grandchildren that I have never seen, and then I must see the children of Quinn and tell them I didn't kill their father. Then I'll go back to the old country," said Toth.

Toth tried to count the stories in Pittsburg's skyscrapers on his trip downtown, but failed.

"How long does it take a man to climb them?" he asked. "There are no elevators in the Western Penitentiary."

He was awed by the trolleys, but the automobiles did not interest him at all. "I often saw them in the prison yard," he said. "They ain't new."

When the party entered the Frick Building Toth shied at the revolving doors at the entrance. Then he took the trolley's office to the eighteenth floor. Toth grasped the bars at the side of the car and held fast. "This is like going to heaven," he grinned.

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HYDE'S OFFER TO TESTIFY REJECTED

City Chamberlain, Said To Be Worried by Appearance of Robin Before Grand Jury in Carnegie Trust Affair.

WHITMAN REFUSES TO CALL HIM

William J. Cummins and Joseph B. Reichmann, Former Officials of Company, Also Fail to Get District Attorney's Permission to Testify, which Carries Immunity.

Charles H. Hyde, the City Chamberlain, has offered to tell the District Attorney or grand jury, preferably the grand jury, all he knows about the activities of the Carnegie Trust group and to explain how it was that banks obtaining city deposits almost invariably lent money to members of this group.

The request that Mr. Hyde be allowed to tell his story was made to District Attorney Whitman through Stephen C. Baldwin, counsel for the City Chamberlain, the same man who delivered to the District Attorney the unsigned letter from Governor Dix requesting co-operation with Attorney General Carmody. Mr. Whitman turned the offer down.

All this was learned yesterday from an absolutely trustworthy source, but the District Attorney, when asked about it, declined to discuss it, one way or another. It is understood that he saw no reason whatever why he should grant Mr. Hyde's appeal to be heard, although willing at all times to receive any new light he could on the situation. The law grants to a witness appearing voluntarily before the grand jury personal immunity from the consequences of his testimony.

Mr. Hyde, his friends know, is ill with worry over the whole affair. He is particularly concerned over what Robin may have told the grand jury, calling the indicted president of the Northern Bank crazy and incompetent, it is said, and asking why sane men should take any stock in his alleged revelations. To his mind, Joseph G. Robin, called insane by expert witnesses, but adjudged sane by a jury before Judge Swann in General Sessions, is an uncertain factor working in the dark. He would like, therefore, to do his own talking to the grand jury to counteract, if necessary, Robin's statements.

Others Wish to Testify.

Mr. Hyde is not alone in this desire. Both William J. Cummins, chairman of the board of directors of the Carnegie Trust Company and its virtual head at the time the smash came, and Joseph B. Reichmann, its former president, also have requested the privilege of unswearing themselves to the grand jury. But they, too, have met with the District Attorney's refusal. The disappointment is keen, particularly in the case of John B. Stanchfield, who, continuing to be counsel for Cummins, has announced in no uncertain tones that he will not permit his client to be made the "goat."

Assistant District Attorney Clark has been examining the books of the City Chamberlain's office, with Mr. Hyde's consent. While he was engaged in this occupation yesterday Joseph G. Robin was taken from the Tombs to the District Attorney's office, where during most of the afternoon he was closeted with Dr. Louise Robinson, his sister, and Samuel J. Goldsmith, his lawyer. It is understood that Robin was dictating to Miss Eckhardt, his secretary, a statement of his knowledge of the affairs of the Carnegie Trust Company. Mr. Goldsmith said he was engaged with details of the District Attorney's investigation. Neither Mr. Clark nor Mr. Whitman was present at any time, however.

Good News for Depositors.

But while this is of intense interest to those who are not anxious that Robin's testimony receive serious consideration, a much larger portion of the community is directly concerned with the cheering news that the Assets Realization Company will probably assume the liabilities of the Cummins directors to the depositors of the Carnegie Trust Company.

Shortly after the failure of the trust company an investigation was started by those directors of the company not identified with Cummins and his group. The State Banking Department asked these directors to appoint an attorney to confer with it concerning the assets, and they designated Lston L. Lewis, one of their number. Experts were immediately put to work and a thorough examination of the assets was made, including a critical inspection of the so-called Cummins properties, such as the Tennessee Packing and Stockyards Company and the Platt Iron Works. Last week those experts submitted a report which is considered distinctly encouraging.

This report, with the consent of the State Banking Department, has been shown to a syndicate of bankers, and it was learned yesterday that these bankers would immediately take steps to take the trust company out of the hands of the department through the medium of the Assets Realization Company. The offer of application, it is expected, will be made to the State Banking Department early this week, accompanied by a guarantee that the depositors of the trust company will be paid in full.

In case the Banking Department acts favorably on the application a small payment will be made to depositors this week, it is said, followed by others from time to time until the liquidation has been accomplished and all depositors satisfied.

City Would Derive Benefit.

The city, of course, will come in for its share of the benefit to be derived from this arrangement if put through. Its \$500,000 deposit remaining on the company's books at the time of the failure will be paid 1 per cent in the same ratio as the deposit of any private individual.



CHARLES H. HYDE.

his own course. At least, such is the inference to be drawn from a letter made public by Mr. Goldsmith yesterday which he penned to ex-District Attorney Jerome on St. Patrick's Day. He tells Mr. Jerome, his former counsel, who withdrew from the case when Robin pleaded guilty, that he regards his efforts before Justice Seabury still to prove his former client insane as a breach of their once confidential relations.

The letter which Robin sent to Jerome was included in one from Meyers & Goldsmith, of No. 100 Broadway, the firm of lawyers of which Samuel J. Goldsmith, Robin's counsel, is a member. It read:

"March 17

"Hon. William T. Jerome, No. 37 Wall street.

"Dear Sir: Your having retired as my attorney at your own request, and with the consent of the court, on March 1, last, it is my desire that you should no longer act for me in any capacity whatsoever, either as my attorney or otherwise. I object to any further appearance on your part in any cause or proceeding affecting me in any capacity whatsoever, on the ground that having been retained by and having conferred with me as my counsel, and being no longer my attorney, it is a breach of the relation between us that you should take any part whatsoever against my wishes in any matter in which my liberty or my affairs may be involved. Truly yours,

JOSEPH G. ROBIN."

The lawyers' letter runs as follows:

"Hon. W. T. Jerome, 37 Wall street.

"My Dear Judge Jerome: We are instructed by our client, Joseph G. Robin, to transmit the enclosed correspondence to you, begging your consideration thereof. Very sincerely,

"MYERS & GOLDSMITH."

Mr. Goldsmith said he didn't know how to account for Mr. Jerome's attitude in acting as a friend of the court in laying before Justice Seabury all the evidence he had regarding the sanity of Robin.

"I understand Jerome wants a public hearing. His motives, whatever they are, rather astonish me," said Robin's new counsel.

Mr. Jerome refused absolutely to comment on the letter or to discuss the case in any of its phases.

Robin Explains Lomax Affidavit.

Robin, in a statement to his lawyer, parts of which were given out yesterday, explained the affidavit made by William V. Lomax, chief accountant of the Fidelity Development Company, in which the latter had quoted Frederick K. Morris, Robin's confidential man, as saying that Robin had consented to take all responsibility for the transactions of the various Robin companies. When Robin was ill, Morris went to him, according to his statement, and told him that the bank examiners were about to investigate the Washington Savings Bank. At the time James T. Wood, the vice-president of the savings bank, was at the bedside of his dying state, and to save him bother and worry, Robin told Morris, so Robin says, to "let them put it up to him," in other words, to refer them to him for information.

Morris misunderstood him, Robin contends, when he thought he meant that he would take all the blame for the activities of the bank and the other Robin companies. In fact, Robin goes on to say that Morris and Wood were in a conspiracy to make him shoulder the blame.

Wood is vice-president of the Washington Savings Bank, a director and a member of the finance committee of the Rechester Title and Guarantee Company, president of the Bankers' Realty and Security Company, president of the South Shore Traction Company and a director and member of the executive committee of the Fidelity Development Company. Robin describes him as "peculiarly the inside man" in all these concerns, "the layer of plans, financial

Continued on fifth page.

MEET AFTER 40 YEARS

Mother Reunited to Daughter Kidnapped When Infant.

San Bernardino, Cal., March 18.—Mrs. Sadie Brownell, a wealthy resident of Redlands, Cal., recognized to-day a photograph of a two-year-old infant as one of her daughter who was stolen from her nearly forty years ago. The child was kidnapped from her, she said, two weeks after the portrait was taken in Dakota Territory. From that time she had never been able to find a trace of her daughter.

Recently the daughter, now Mrs. Alfred Hagerty, of Cleveland, learned for the first time that her mother was not dead, as she had supposed. She at once began advertising throughout the country. A friend of Mrs. Brownell saw one of the advertisements a few days ago and informed Chief of Police Shaw, who brought about the identification to-day. Mrs. Hagerty will start for California at once.

CHANDLER TELLS OF THREAT

Says Streeter Warned Him of "Malicious Treatment."

Concord, N. H., March 18.—Ex-United States Senator William E. Chandler, counsel for George W. Glover in his efforts to secure the legacy given the Mother Church of Christian Science in Boston by the will of Mrs. Mary Baker Eddy, declares that he has been told by General Frank S. Streeter, counsel for the church, that the Christian Science "workers" are to destroy him by means of "malicious animal magnetism." Mr. Chandler in his correspondence with the opposing counsel called on General Streeter to tell him why it was that Miss Mary E. Tomlinson committed suicide.

"Immediately," says Mr. Chandler in a statement given out to-night, "I received a letter from Mr. Streeter saying that I deserve personal chastisement, but am not to be treated in that way or by a libel suit, but that I am to be more effectively treated by the ever ready workers of the Christian Science body.

"This threat would ordinarily not much disturb me. The whole process of the hearing and of the hostile treatment directed against the malpractitioners and the enemies of the Christian Science delusions is fictitious and insipidly operative for the exact purposes for which it is used. But to hear that Mr. Streeter has adopted such methods as a part of his machinery in a lawsuit where the one church is fighting for \$2,500,000 when the law forbids it to take more than \$100,000, and wherein the five thousand practitioners with annual income from bogus healing work of \$5,000,000 and all the other crazy victims of the believers in 'm. a. m.' are directed by the dominating counsel in the lawsuit to destroy me as counsel for the sons, as they were directed in 1907 to destroy George W. Glover being ill, so as to stop the lawsuit then pending, is not a wholly pleasant notification to receive from a Unitarian deacon.

"I will not specify the possibilities to come from such a threat as Mr. Streeter has communicated to me. It will not deter me from speaking freely and plainly in court and out of court in my usual way. But I think my friends in Concord should know what the danger is, be it much or little."

FIND \$1,400 IN SUB-TREASURY

Alterations Disclose \$100 Bills Under Floor—Lost Three Years.

Philadelphia, March 18.—Workmen making alterations in the Sub-Treasury in this city this afternoon found beneath the flooring \$1,400 that had been lost for three years. The money was in \$100 bills and was mildewed and covered with dust.

The notes were turned over to the government by the contractor making the improvements.

KITTEN KIDNAPPED BY DOG

Latter Lost a Puppy and Wanted a Substitute.

For several years a dog and a cat have made their abode on the Savannah Liner, No. 25, North River. From the full dinner pails of the longshoremen both dog and cat fared well, had warm sleeping quarters and soon forgot their former owners.

About a week ago the stork called simultaneously on both dog and cat, the latter having the larger litter. One of the puppies was accidentally killed by the mother dog and later she was seen to leave the comfortable quarters provided for her and her progeny and pay a visit to her cat friend. After a short time the dog returned to her quarters carrying a little kitten in her teeth, and has since jealously guarded it.

SAY THEY ROBBED HOTELS

Two Men and Woman Charged with Thefts in Many Cities.

With the arrest of two men and a woman last night the police believe that they have captured the persons responsible for thefts of silverware and linen from hotels in many of the larger cities. Those under arrest are Matthew Murphy, a bartender at the Hotel Astor; his brother, Terrence, and Catherine Sheedy, a maid employed at the Hotel Astor. All three live at No. 461 West 45th street.

The prisoners were taken to Police Headquarters, where, according to the detectives, they admitted the charge made against them. An investigation of the rooms occupied by the trio, it is said, resulted in the finding of many articles of silver, bearing the names of the Hotel Seville, the Hotel Knickerbocker, the Hotel St. Stephens, the Hotel Orleans and the Hotel Kramer, at Highland Falls, N. Y.

SURGEONS' HEIRS GO TO LAW

Estate of Dr. G. H. Wyncoop Sues That of Dr. W. T. Bull.

There is legal strife between the estates of two distinguished surgeons as the result of the charges made by one of the practitioners for services rendered to the other. The issue is between the estates of Dr. Gerardus H. Wyncoop and Dr. William T. Bull. Dr. Wyncoop attended Dr. Bull while the latter was ill. He died three months after his patient died.

Now the estate of Dr. Wyncoop has filed a claim of \$1,700 against the estate of Dr. Bull. The trustees of the Bull estate expressed doubt of the justice of the claim and refused to pay it on that ground. Both sides agreed to have the matter referred to former Senator Frank D. Pavey for adjudication.

CHAUFFEURS MUST BE