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CHECKS TO RAPID TRANSIT.

THE EFFECT OF THE ALDERMEN'S VOTE ON THE NEW SCHEMES.

Differing Opinions as to Whether the Projects are Finally Disposed Of—The Rapid Transit Commissioners still Continuing their Work on the Plans for the New Routes.

The Aldermen's refusal to confirm the routes for steam railroads fixed by the Rapid Transit Commissioners was yesterday the prevailing topic among the politicians who frequent the City Hall. Rumors were current that money was used to influence votes both for and against the Commissioners' report. One Alderman, who voted against the report because he is honestly opposed to the project to build another railroad from the Grand Central Depot to the City Hall, said that on either side of the question was a great corporation. "Mr. Vanderbilt's railroad companies," the Alderman continued, "wish the road, and the Manhattan Elevated Railroad Company is opposed to it. Both of these corporations have a great deal of money, and whichever way the Aldermen had voted, the cry would have been, "Stop thief!"

The prevailing opinion is that Alderman Sauer cannot prove the charge of corruption which he made against Alderman Haughton. Whether he has any evidence to substantiate his allegation is known to himself only, and he declines to add anything to what he said at the meeting of the Common Council.

Alderman Haughton says that he will not accept any apology from Alderman Sauer. He insists that he shall either prove his charge or withdraw it in the presence of the committee appointed to investigate it, or in a meeting of the Common Council. Mr. Haughton asked Alderman Roberts, Chairman of the committee, to convene it as soon as possible, and Col. Roberts promised that it should begin its work early next week.

The assertion of the Rapid Transit Commissioners that the Aldermen's action was of no effect was also discussed by the politicians. It was generally believed that the Aldermen's action had killed the project to build an elevated road from the Grand Central Depot to the City Hall.

The fourth section of the law under which the Rapid Transit Commissioners were appointed provides that if they find steam railways necessary they shall, within sixty days after their organization as a Board, fix and determine the routes for such railroads, and that they shall have power to locate the routes over, under, through, or across the streets and avenues in this city, provided that the consent of the owners of one-half in value of the property bounded on, and the consent also of the local authorities having the control of that portion of a street or highway upon which it is proposed to construct or operate such railways, be first obtained. The fifth and sixth sections provide that within ninety days after their organization the Commissioners shall decide upon the plans for the railroads, determine the time within which the roads shall be built, and the rates of fare for the transportation of passengers over the roads, and fix the capital of the companies to be formed to build and operate the roads. Another section of the act says that books of subscription to the capital stock of these companies shall be opened by the Commissioners within 120 days after their organization.

Good municipal lawyers said that these sections of the Rapid Transit law are a complete answer to the Rapid Transit Commissioners' assertion that the Aldermen's action is of no effect, and that they can neither grant nor refuse the use of the streets for a railroad until the Commissioners have determined upon the plan of their construction, and the company which they may form has asked to use the streets. "The law makes it the first duty of the Rapid Transit Commissioners," one of these gentlemen said, "to fix and determine the routes of the proposed railroads. This must be done before they decide what kind of roads shall be built, and before they fix the rates of fare or organize the companies to build the roads. But under the law they cannot locate the routes in any of the streets in this city until the consent of the owners of one-half in value of the property on the streets and the consent of the local authorities having control of the streets, who in this city are the Aldermen, has first been obtained. The Rapid Transit Commissioners sent to the Aldermen their report fixing the routes for railroads, and supplemental reports explaining why they had selected these routes, and the following resolution:

Resolved, That consent is hereby given to the location of the certain routes for steam railways, fixed and determined upon by the Board of Commissioners of Rapid Transit for this City on the 1st day of April, 1879, as appears by the reports of the said Commissioners to the Mayor, dated June 4, 1879, and to the construction and operation of said railways, or sections thereof, through, upon, over and across any and all streets, avenues, lands, and places included in said routes.

"This action of the Commissioners," the gentleman continued, "shows that they themselves, when they made their report, did not believe that the Aldermen cannot act until some company organized by the Commissioners applies for the use of the streets.

"The records of the Common Council," the gentleman added, "show that the action of the Rapid Transit Commissioners in 1875 fixing the routes for railroads was confirmed by the Aldermen before the plans for the construction of the roads were made, or the time within which they were to be built was fixed. Companies had been organized, and they were the New York Elevated Railroad Company and the Gilbert Elevated Railway Company, both of which were then in existence by virtue of charters granted by the Legislature. No company whatever organized by the Commissioners when the Aldermen confirmed the routes which they had fixed."

President Mott of the Board of Aldermen, who was one of the Rapid Transit Commission of 1875, concurs in this view of the Rapid Transit law. He said, after the adjournment of the Aldermen on Tuesday, that the action of the Board practically nullified the action of the Rapid Transit Commissioners.

The Rapid Transit Commissioners met yesterday in their room, 54 Exchange place, to decide upon the plans for the construction and operation, and for the requisite appliances of the several rapid transit routes determined by them, and which the Board of Aldermen refused to confirm yesterday. Although the time fixed by the statute in which this part of their labors should be completed expired yesterday, the Commissioners were not able to present their report. The main features of the plans were decided upon and a report had been prepared. But as many of the details had to be rearranged by the engineers, and new issues for consideration were discovered, the report had to be materially amended. Its appearance yesterday, as cut, pasted, interlined, and rewritten, was that of a formidable document. It was learned that the general plan of construction proposed would be considerably varied, and would include elevated, surface and tunnelled roads according to the topography and necessities of the district through which it is proposed to build the roads. A great diversity of plans was presented to the Commissioners, almost all of which were for an elevated structure. Single tracks, very narrow curves, inclined tracks with elevators, &c., were the salient points of the plans. The Commissioners were of the opinion that in none was there anything new, as compared with those submitted to the former Commission. Where elevated structure is to be used it will consist in the main of that now in use by the elevated roads below the Harlem, as the Commissioners have the idea that the prospective roads will run in connection with the present ones. This idea was made evident in the first report of the Commissioners, specifying the routes in the Bronx, which provides for a start from the northern terminus of one of the elevated roads. The points that demanded the attention of the Board yesterday were such as the height at which the rapid transit roads should cross the steam railroads, the details of bridges, masonry, &c.

While the Board were busily occupied with these details, Mr. William G. Tuller, the Secretary, explained to a SUN reporter the views held by the Board in relation to the rejection by the Aldermen of its first report designating the routes, and the effect of that rejection upon the status of the Board and its labors. Referring to the laws above quoted, he said that the refusal of the Common Council to give such consent at the present time cannot be considered a final refusal. The action required of them is not of a legislative nature as compared with the enactment of an ordinance, and is analogous to that required of the property owners along the proposed route. Those property owners may be importuned twenty times for their consent, and yet there is nothing in their refusal each time to prevent another effort being made to obtain their consent. When asked the twenty-first time they may waive their objections and consent. The recent action of the Brooklyn Common Council in authorizing a rapid transit route that had been specified three years ago is a conclusive precedent upon this point. The action of the Common Council can in no wise affect the further work of the Commission, and under the law they have no alternative but to proceed with their labors, which, besides the report now nearly completed, include the creation of a company or companies to build and operate the proposed roads. When this is done the Aldermen may take a different view of the first report.

TROUBLE AHEAD.

Ex-Alderman Kraus Drawing Comparisons with the Old Board of Aldermen.

At 9 o'clock last evening ex-Alderman George J. Kraus sat upon Norton & Murray's veranda at Coney Island, enjoying the cool sea breeze and listening to the sweet strains of the band. When asked what he thought of Tuesday's scene in the Board of Aldermen he refused to express an opinion.

"Did you ever have such a scene in the Board of Aldermen when you were a member?" the writer asked.

"Why, bless your innocent soul, no," he replied. "We were true representatives of the people—butchers, lager beer dealers, horseshoers, and mechanics. There were no leg-biting and pie-eating statesmen in the Board then. We were solid men, sixteen ounces to the pound, every one of us."

"How did your diamonds compare with those worn by the present Board?" was the next question.

"Oh, our diamonds were much larger," the ex-Alderman replied, "and none of them were off color. You'll find a great deal of paste in the present Board, and paste stones in brass setting at that."

"Do you think the diamonds worn by Col. Roberts and Tommy Sheils are paste?" the reporter asked.

"Well, if they're not paste they'd ought to be," Mr. Kraus replied. "All jewels ought to correspond with the men who wear them."

"Did you have an orator in your Board superior to Col. Roberts?"

"Did we? Well, I should think we did," the Alderman responded.

"Who was he?" queried the writer.

"Why, Dutchy O'Brien," said Mr. Kraus, "He could lay clean over Roberts, and knock the intellectual stuffing out of Tommy Sheils in three minutes."

"What was the difference in intellect between your Board and this one?"

"Well," said the Alderman, after a pause, "this Board has bigger feet and smaller heads than our Board. Their fingers are longer, and they have a longer reach. There is more on the shelf than there used to be. They can take more and bigger bites for it than we could. We legislated for the people, and they legislate for the boys, and are in with 'em every time. Why, when I was in the Board, we never had any dog pounds. No industrious German citizen was robbed of two dollars to keep his poodle alive. Nobody had the hydrophobia, and there were no mad dogs. But just as soon as the people ran in the new Board the streets were filled with mad dogs, and every Alderman owned a big estate. The dog business has been booming ever since, and the weather grows hotter every summer. There's honey in the City Hall, and the bees are buzzing for it. That's what's the trouble."

"How much did you make while you were in the Board?" was the next inquiry.

"I made $50,000 while I was an Alderman," Mr. Kraus answered, and I'm not ashamed of it either. I wish it had been more."

"How did you make it?" we asked.

"Selling Washington Market," said the ex-Alderman. "There were no elevated railroads then. Nor was any Republican member of our Board waylaid and stabbed while looking for an elevated train at 5 o'clock in the morning. Nowadays, I'm sure that some Aldermen are down on elevated railroads."

"What do you know concerning the trouble between Aldermen Sauer and Haughton? was the next query.

"Well, I know that the duel will be fought in Atlantic Garden. John Kelly is to be umpire for Sauer, and Mayor Cooper for Haughton, with Nick Langdon or Bill Vanderbilt for referee. On behalf of a suffering public, Stoltz, the Lowery undertaker, has offered to furnish coffins free of charge. Henry Ward Beecher will preach the funeral sermon, and Neil Bryant act as sexton. The interment will be at Barren Island. Mike Burns and Bob Foster are to act as pall bearers, and Coney Island will be draped in crape. In the language of the lamented Lindenmuller: "Vat country; vat a beeples."

Here the ex-Alderman took a glass of beer and the stage for Brighton.

ARGUING THE WRIT OF ERROR.

The Case of Mrs. Smith and Bennett Under Review in the Supreme Court.

TRENTON, July 9.—The argument on the writ of error in the case of Mrs. Jennie R. Smith and Covert D. Bennett, convicted of the murder of Police Officer Richard H. Smith, and sentenced to be hanged in Jersey City on Friday, July 25, was made in the Supreme Court, in this city, to-day. Judge Knapp, who presided at the trial of the convicted persons, presiding. Attorney-General Stockton, Prosecutor McGill, and Wm. Y. Johnson appeared for the State, and the Hon. Charles Winfield, James Fleming, and Gilbert Collins for the condemned persons. The Attorney-General moved to strike out several assignments of error, saying that he did not think it safe for the condemned persons that the close assignments should remain in the case. Judge Knapp decided to hear the argument, and reserve the question raised by the State. Error would be joined on such assignments as were allowed to stand.

Mr. Fleming opened the argument. He said, in reference to the first trial of Mrs. Smith and Bennett, which was discontinued in consequence of the insanity of Juror Durben, that there was no mistrial. It does not appear by the record that there was an adjudication by the Court that the juror was insane. He claimed that in the second trial the admission of evidence of conversation had years ago was illegal; that the State, impeaching Mr. Fleming, and failing to cross-examine him on the subject matter of the examination in chief, rested its case on that; that the Judge's charge was clearly wrong, in that he drew conclusions which should have been left to the jury and prejudiced the defendants thereby, and that in his charge he drew inferences and made assumptions that were erroneous, and that may have misled the jury. Such were the assumptions that Mrs. Smith's and Mr. Bennett's illicit love was a motive for the murder, and the calling of the jury's attention to the manner of entering the house, to the prejudice of the defendants, and leading the jury to draw a conclusion of guilt from Bennett's letter to Mrs. Smith, written in jail, by construing it against the prisoners.

Mr. Mcgill replied for the State. He claimed that the first trial was a mistrial, and the record did show an adjudication of insanity in the case of Juror Durben. The testimony as to the conversation held years ago he asserted was clearly admissible. Mr. McGill defended the Judge's charge, asserting that it was not calculated to mislead the jury in the ways pointed out, but was a fair presentment of the facts, leaving the jury to draw their own conclusions.

Mr. Winfield and Attorney-General Stockton said they had no further arguments to advance, and the case was closed.

Judge Knapp reserved decision, saying that it would be rendered soon. It is reported that the case will be taken up to the Court of Errors, no matter how it is decided in the Supreme Court, and that it will be argued in the higher court on Wednesday next.

Sheriff Toffey of Jersey City has employed Jacob Van Hyse, a Newark carpenter, to build the scaffold for the hanging of Mrs. Smith and Bennett.

Mr. R. Meade, a member of the Rev. Dr. Rice's church, has presented Mrs. Smith with a canary in a gilded cage. She has it hung up in her cell.

FIGHTING IN A STEAMER.

A Battle with Knives on the Deck of a Vessel about to Sail from Jersey City.

Just before the steamship Othello of the Nilson line sailed from its pier at the foot of Grand street, Jersey City, at 12½ o'clock this morning, a desperate fight took place among the crew. Six new hands had been shipped, and one of them named Neil Welsh, 60 years of age, and something that offended Peter Peterson, one of the ship's regular company. Peterson's comrades sided with him, while the newcomers sided with Welsh. Soon parties were intoxicated. The Peterson faction drew their sheath knives and rushed at their opponents, who fled to the quarter-deck.

In the struggle Welsh was thrown overboard, but was rescued. An alarm was sent out, and the police interfered and quelled the disturbance. Peterson was arrested but the vessel had cast off her moorings before any other arrests could be made.

The War in Zululand.

CAPE TOWN, June 24, via Madeira.—Gen. Crealock reached Fort Chelmsford on June 19. A general advance was made on the 20th, and the Umhlali River was bridged on the 21st. Gen. Newdigate has reached the Upoko River; his advance guard is near Hobonanoo. Col. Wood was expected to join Gen. Crealock in a few days. It is rumored that Cetywayo has withdrawn the regiment which was watching the First Division in order to defend the Kraal. The Amatongas are prepared to enter into an alliance with the British.

THE OARSMEN AT SARATOGA.

BEGINNING THE GREAT AQUATIC TOURNAMENT ON THE LAKE.

Two Walk-Overs for Cornell and Two Victories for Albany—Heats for Senior Singles Won by Murphy, Rathbone, and Holmes.

SARATOGA, July 9.—The seventh annual regatta of the National Association of Amateur Oarsmen began to-day. The racing was very interesting and augurs well for that of to-morrow and the culmination on Friday, when the final heats of the great events will be rowed. The pair-oared and six-oared shell races to-day were decisive and very exciting, and the trial heats of senior singles were also interesting. The weather was delightful. A soft southerly breeze gave that gentle ripple to the water which is the oarsman's delight, and the wind being astern aided in making good time. The number of spectators on the grand stand was not large. Nevertheless 2,500 or 3,000 persons on foot, horseback, or in carriages collected in the shade along the banks and lent animation to the scene. The course for all races was a mile and a half straight away, from a point north of Snake Hill to the finish near Moon's at the northern end of the lake. A referee steamer, a press boat, and a few spectators' boats accompanied the contestants. Mr. Wm. B. Curtis was the referee and got off the races with a promptitude for which he deserves great credit.

The first race was called at 10 A. M. sharp, and was for pair oars. The contestants were: Zephyr of Detroit, John H. Clegg and John McGregor; Olympic of Albany, T. J. Gorman and R. T. Gorman; Wahwahsum of Saginaw, H. Smith and F. Haven. The Wahwahsums jumped into a slight lead at once, with the Olympics in second place. The Western men kept the lead only a short time, as on nearing the half the Albany boys drew up abreast, and made an exceedingly close race to the mile. Then foot by foot they gradually forged ahead. At this point the Zephyrs were hopelessly astern. At the mile the leading crews were rowing about 33, but the Wahwahsums spurted, and drew their bow tip up even with the Olympics. Off the old grand stand the Wahwahsums ran into a sand bar, which temporarily demoralized them, and, when they got clear, had steering to the eastward gave the Olympics an additional lead, and, despite the efforts of the Western crew, the Olympics passed the finish about four lengths ahead. In 9 minutes 41¾ seconds; Wahwahsums, 9:57¾.

The next event was a walk over for a Cornell College four, composed of J. W. Warner, J. E. Allen, N. D. Shinkell, and J. Lewis, Jr. They started with a 38 stroke, and maintained time record. They are heavy men, but their form was bad, and the oars caught the water in one, two, three, four style. Oarsmen from other colleges, especially Columbia and Wesleyan, when they saw the crew, groaned at the manner in which pluck overcame form. The Cornell College Atalantas paddled gracefully down alongside of them like "dockpullers," showing their style to the beauties on the wharves, and could have beaten Cornell with ease. Cornell settled down to 34 and 35, and crossed the finish in 9:15. In the college singles J. Lewis, Jr., had a walk over in 11:54¾.

The next event was the first trial heat for senior singles. This was a magnificent contest. Those who drew into line were Wm. Murray of the Elizabeth Club, Portsmouth, Va., Wm. J. Gear of the Longuil, Montreal; James Pilkington of the Seawanhaka; George Lang of the Columbia, Allegheny City, Pa.; and R. G. Musgrove of the St. John, New Orleans. Wells of Detroit withdrew. Murray came out the first, rowing with a business-like style and finish throughout. The Canadian for a few yards was second, then Musgrove of New Orleans took second place. Chasing them up lightly in a length astern was Gear. Pilkington of the Broadway squad and Lang, while the Canadian brought up the rear guard. At the half there was no change, but at the mile the positions got clearly defined. Here the two Southerners, Murray and Musgrove, began to buck and forth fiercely for the leadership in a style which challenged admiration. Astern, two lengths or more, were Pilkington and Lang fighting for third place, while Gear, the Canadian, was hopelessly in the rear. On the last quarter the two Southerners shaded their sculls gallantly, increasing their lead over the rest, though holding grimly on to each other, with the Virginian still a good length in front of the Louisianan. Then the Pennsylvania soldier of the Seawanhaka man and Lang put into the place, and the Canadian also put on a last spurt. Only a few yards was left, and the desperate efforts of the fiery Southerners carried them far ahead of the others, and Murray whirled by the finish the winner in the pretty time of 9 minutes 11 minutes 35½ seconds; Musgrove, 11:40¼; Lang, 11:54¼; Pilkington, 11:59¼; **Gear, 12:01¼.** "It we are going to see such a race in the trial heats, what may we look for in the finish?" was the general expression.

In the second trial heat for singles were arrayed against each other R. W. Rathborne of the New York Athletics, E. L. Phillips of the Triton, Thomas Higgins, Jr., of Cohoes, Robert Larmon of Union Springs, Jacob Wade of Charles County, Md., and J. Brennan of the Riverside, Allegheny City. Rodgers, the giant of the Atalantas, withdrew. By the time the press steamer had arrived a half mile from the starting point the scullers were well away. At the half mile little Phillips, in the course of the race, steering as the crow flies, was seen leading by a length. Higgins was second, followed closely by the nephew of his uncle. Phillips was taking it easily, with a 32 stroke. As they drew near the mile they were all in a bunch, with Phillips slightly in the lead. They ran closely together down to the last quarter, but as the diagonal finish, southwest to northeast, gave an apparent advantage at the finish to those on the western shore, it was difficult to predict the result. On the home stretch, however, Lucky Rathborne, who always steers for the mark like an arrow, was still plainly in the lead. Phillips had slipped past Larmon and abreast of Higgins, and was spurting desperately for first place. Brennan had fouled Larmon at the mile and gave up at the last quarter. The New York boy proved too sharp for the Jerseyman, however, and they passed the finish in the following order: Rathborne, 11 min. 13¾ sec.; Phillips, 11 min. 24¾ sec.; Higgins, 11 min. 27¼ sec.; Larmon, 11 min. 45 sec.

In the third trial heat were John Cratty of Galveston, F. J. Mumford of New Orleans, Irving A. Lyon of the New York Athletic, W. H. Hyndman of Minnesota, Frank Holmes of Pawtucket, and J. S. C. Wells of the Athletics. Frank Yates of Michigan withdrew. The race throughout was between Holmes and Mumford. They kept nearly abreast of each other up to the mile, when the Rhode Islander began to slightly lead the Texan, notwithstanding the Southerner's plucky efforts, in which he made some splendid spurts, quickening his stroke without apparent effort. It was no use, however, for Holmes slipped by the mark a winner by a length, in 10 minutes and 53¾ seconds; Mumford, 10:58¾; Cratty of Galveston, 11:18. It will thus be seen that Murray, Rathborne, and Holmes will have to fight it out in the final heat. Holmes's time to-day being the best.

The six-oared shell race brought out the Shawmuts of Boston, Mutuals of Albany, and the Dauntless of New York. The latter crew rowed in a gig with a coxswain; the other crews in shells. There was much excitement and betting on the result, as the Dauntless crew had only a short time previous vanquished the Mutuals on the Harlem, over a mile course, the latter also rowing a gig. The Shawmuts caught the water first and dashed into the lead with a rattling stroke of 42. This sent the Dauntless up to 44 and the Mutuals to 43. Flesh and blood could stand this a limited time only, and the Shawmuts soon slowed down. As they did so their antagonists followed suit. Runnir up to the half mile, the Mutuals took the lead, and at the half were a length in front of the Shawmuts, with the Dauntless in second place on their starboard quarter. As they neared the mile the Mutuals took the water of the Dauntless and the latter's Captain called a foul, which was not allowed by the referee. The Dauntless, by spurting, could easily have made it a foul, but they failed to do so. The Mutuals were now steering badly and going out of their track over to the eastward. To the surprise of all, the coxswain of the Dauntless, instead of keeping off in his true course to the westward, whereby he would have gained several lengths, followed in the Mutuals' track. The Dauntless crew thereby lost the only chance of winning the race; for from the mile out they had a tide dead weight in the shape of a coxswain, the Mutuals clearly outrowed them. The Mutuals passed the finish the winners in 8 minutes 50 seconds; Dauntless, 9:05¾; Shawmut, 9:11¼.

To-morrow there will be the double sculls and trial heats between junior singles and four oared shells.

LAKE GEORGE, July 9.—The Wesleyan and Columbia crews arrived here to-day, and will participate in the regatta here.

At the meeting of the Executive Committee of the National Association of Amateur Oarsmen, to-night Edward Smith of the Argonaut Boat Club was unanimously reinstated to his position as an amateur oarsman. The Committee declined to remove the disability of Walter Mann of the same club, but signified their willingness to do so on his making the *amende honorable* necessary to satisfy the *amour propre* of the association. The disability, originally incurred, of James Pilkington of the Seawanhaka Club was removed.

CITIZENS VS. THE POLICE.

The Long Series of Charges Made Before the Commissioners Yesterday.

Complaints have been filed in the Police Central Office against Officer McClellan of the Twenty-third Precinct, charging him with neglect of duty and intoxication while returning from patrol. The charges are made by the Captain of the Twenty-third Precinct station and by Roundsman Burns of the same precinct. Although the complaint charges nothing more serious, it is asserted that McClellan was very much intoxicated, and attempted to shoot Burns when the latter found him drunk in a barroom. Roundsman Burns declined yesterday to make any statement as to the affair, on the ground that, not having mentioned the more serious phase of it in his complaint, he might get himself into trouble.

Policeman Tully, who has been sentenced to three months' imprisonment for an assault on Roundsman Orr of the Leonard street police, was taken before President Smith yesterday to answer officially for his conduct. His lawyer anticipated any action on the part of the Commissioner by offering Tully's resignation, which Gen. Smith accepted under protest.

Doorman Brown of the Mulberry street police was placed on trial for extorting money from prisoners on the night of June 29. The charges read that Brown sold the privilege of sitting in chairs placed in the corridor of the Mulberry street station prison to saloon keepers arrested for violation of the liquor law at the rate of fifty cents a head. A number of witnesses testified to the truth of the charges. Brown, in his own behalf said that, being ordered to render forty prisoners as comfortable as possible, and there being only twenty-four cells, he permitted a number to pass the night in the corridor. Seven prisoners gave him fifty cents each to buy ice and other refreshments for them. Of the $3.50 thus obtained he spent $2.25, and was told to keep the balance for his trouble.

Robert Teller of 116 East Eleventh street complained before the Commissioners that on the night of June 3 he was assaulted by unknown men at Thirteenth street and Broadway. Officer Gilgar of the Mercer street police came up, without his uniform, intoxicated, and in company with a disreputable woman, and in place of assisting, also assaulted him. Gilgar finally, after hitting Teller in the eye with his fist, dragged him to the station house, and had him locked up over night on a false charge. He was discharged the next morning. Gilgar denied the charges, but produced witnesses to show that he was alone and not intoxicated.

Conrad Harris complained that at midnight, June 21, he asked Officer Philip Blass of the Fifth street police to stop the music in a saloon under the Bowery lodging house. Instead of this, Blass paid no attention to the request, and Harris threatened to report him to the Commissioners, whereupon Blass arrested him and locked him up.

Inspector McDermott appeared as complainant against Officers Crowley and Sawyer of the Eighty-eighth street police, and Officers Cornish and Wilson of the Fifty-ninth street police, for inefficiency in the performance of their work as special duty men. Since Jan 1, in the first-named precinct, sixty burglaries have taken place, involving the loss of thousands of dollars, while but one arrest has been made, and $18 recovered. During the same period, sixty-three burglaries have occurred in the second police precinct named, by which $5,646 were stolen, but only one arrest has been made, and the property recovered, and the arrests number eleven. The accused officers endeavored to show that their failure was more their misfortune than their fault.

John Fitzgerald, a longshoreman of 264 West Houston street, has been lying in the St. Vincent's Hospital the past two weeks, awaiting the time when he should be able to appear in the Jefferson Market Police Court against Policemen William Moore and Oscar Wayle. The surgeons allowed him to come out for a short time yesterday. Fitzgerald and Lawrence Donovan, another longshoreman, were first put on trial for assaulting Policeman Moore of the Charles street station. Moore's side of the story was to the effect that Fitzgerald was drunk and abusive and bleeding in the street, and Fitzgerald and Donovan were pointed out as the assailants. Moore arrested them on Fitzgerald's stoop. The two ran away from him and went to Fitzgerald's home. Moore followed after them and attacked and severely beaten. His clothes were torn from his back, and his body badly bruised. He produced the torn clothes in court and also a certificate of the police surgeon as to his injuries. Policeman Oscar Wayle of the Prince street police was also badly handled in the room. Policeman Patrick Welch fell down stairs with Fitzgerald, and was somewhat bruised. The story of Donovan, Fitzgerald, and the latter's wife was that Moore and Wayle had forced their way into Fitzgerald without either saying a word. He knocked Fitzgerald down, and, kept on beating him. Wayle also struck him. Mrs. Fitzgerald threw herself across her husband's body, and begged the men not to kill him. The policemen then seized the half-conscious man by the legs and dragged him down the stairs, his head bumping on the steps as he went. Fitzgerald's injuries were very serious. There were nine long cuts in his head, his jaw was cut and bruised, and his right side was dislocated. He presented a shocking appearance in the Jefferson Market Police Court the next day. His wife, who was a prisoner, was covered with blood. She said her rooms looked like a slaughter house. After hearing the testimony in detail yesterday, Justice Murray said to Moore: "As far as I could see at the time there was not a scratch, bruise, or swelling upon you. I shall dismiss the complaint against these two men. I have said that I would examine this matter to the heart's core. We will now take up Fitzgerald's complaint against Moore and Warle." Lawyer McClelland asked for an adjournment. Justice Murray granted this. He refused to parole the policemen, and said they must furnish $1,000 bail for reexamination, the same as other people. After a short consultation the accused policemen decided to waive an examination and go at once to trial to the General Sessions. Justice Murray allowed this, and fixed the bail at the same amount. Thomas Riley of Hudson and West Tenth streets furnished the bail.

DR. BURLINGHAM'S RESIGNATION.

The Difference of Opinion that Threatens to Divide a Baptist Congregation.

The Rev. Dr. A. H. Burlingham has resigned the pastorate of the Willoughby Avenue Baptist Church, in Brooklyn, giving as his reason that his wife is in poor health, and her physician has ordered for her a change of air. There is a difficulty in the church, which, it is claimed by those who profess to know best, was potent in influencing the resignation. This difficulty turns upon a difference of opinion about the pastor's preaching. The church is one of three open communion Baptist churches in Brooklyn, and formerly its pastor was the Rev. A. Stewart Walsh, now of this city, who left the Long Island Baptist Association with the Rev. Reuben Jeffreys and the Rev. J. Hyatt Smith. Dr. Burlingham was called to fill the pulpit after the Rev. Mr. Walsh was called to a church in this city.

Dr. Burlingham is learned, but the complaint of some of the congregation is that he has no "magnetism," that he preaches his sermons from manuscript, with no effort at oratory, and that where he should have several hundred people in his congregation and all the seats filled he preaches to only about 150 persons, the rest of his members going around to hear more popular ministers in the neighborhood. Dr. Burlingham was also accused of being old-fashioned in his methods, having no interest in the plans of the young members of the church. His salary was $1,800, and it was made $600 greater than that of the Rev. A. Stewart Walsh in the expectation that, being a Doctor of Divinity, he would be able to draw people so as to increase the collections, but the church ran behind instead of paying expenses. The majority of the church members, it is said, wanted an enterprising young pastor who would bring in the young men and women of the neighborhood.

Dr. Burlingham's friends urged that he had for thirty years been a light of great power in the Baptist pulpit, and they claimed that he had not received proper moral support, as the members who now had grievances were those who had run around Sunday after Sunday hearing other ministers, thus generating the trouble, which they now pretend to say is a consequence of the pastor's management.

At a meeting of the church society on Tuesday night, a resolution was offered expressing the wish of the members of the church and congregation that Dr. Burlingham should withdraw his resignation, as an impression prevailed that he had been induced to resign out of regard to intimations of dissatisfaction from certain members. The resolution, however, was rejected by a vote of 120 to 80, and the resignation was accepted. Deacon Dixon at once resigned his office and asked for letters for himself and family to another church, and several other leading members who had supported Dr. Burlingham threatened to leave and form another society with him as their pastor.

Another Charley Ross Hoax.

DERBY LINE, Vt., July 9.—The report that a boy answering the description of Charley Ross was at East Farnham, Quebec, proves a hoax.

Allen's Brain Food. Sale, effectual remedy for nervous debility. Agents, Dimmis, Astor House; Zeik, 1,259 Broadway. Allen's Pharmacy, 215 1st av. Send for circular.—adv.

JOHN F. SEYMOUR'S DEATH.

THE POLICE BAFFLED IN THEIR EFFORTS TO TRACE THE SHOT.

Working Only on the Theory of Accidental Death—Testing Paul Stucke's Pistol—The New York Life's Tribute to Mr. Seymour.

Coroner Flanagan's announcement yesterday that the inquest as to the shooting of John F. Seymour will not take place until Saturday was variously explained. On the one hand it was claimed that the police required that delay for the purpose of working up several clues. Others said the delay was merely at the request of the family, and in deference to their feelings. The police work was prosecuted by Capt. Ryan, with the aid of Detectives Dorsey, Hogan, Cairnes, and Leahey. Their efforts were mainly directed to the investigation of rumors of accidental shots by neighbors, and alleged suspicious persons in the grounds. The latest explanation of the India rubber band or wad that was found near the bullet in Mr. Seymour's body led to a search yesterday for some one who had fired an air gun. One boy was found who had such a gun, but he lived in Twentieth street, and there was no evidence that he had fired ball cartridges at the time Mr. Seymour was shot. A careful scrutiny of the fence on the Twenty-first street side of the seminary grounds was made by Sergeant Blair, and one bullet was discovered in a paling in the line between No. 457, an unoccupied house, and the spot where the body was found. It was a slug that was about the size of that which killed Mr. Seymour, but as it was somewhat marred in digging it out, its size could not be accurately determined. Some of the detectives have not relinquished the theory of an accidental shooting by the boy Stucke. Without imputing any untruthfulness to Mr. Frisby or the other students who corroborate the boy's story, the detectives think it possible that the boy may have put in by mistake one of the ball cartridges that he is known to have possessed, and fired in a different direction from that which he thinks he did. The positive averments of the students that the firing by Stucke was over by quarter past 9 are in conflict with the recollection of Mrs. Putnam, who saw the firing, that the time was nearer 10 o'clock. Mr. Frisby was very indignant yesterday upon learning that Capt. Ryan had decided to make some experiments with the identical pistol and ammunition used by young Stucke, to set at rest the disputed question whether it was possible for the fatal bullet to have been fired from seminary window. It was ascertained yesterday that other witnesses besides Mrs. Putnam will fix the time of young Stucke's firing at a later hour than that named by those persons in the seminary building. No significance is attached by the police to the fact that Stucke's pistol practice was not made known to them by the students or professors before it was published in THE SUN. The explanation that no importance was attached to it is considered satisfactory, and on the inquest the conflicting testimony as to the time of firing will be laid before the jury.

Another witness to the pistol firing and to the presence of persons in the seminary grounds was discovered yesterday. A lady living Ninth avenue, having a child that was sick and restless, was walking with the child down Twentieth street, between 11 and 12 o'clock. She saw a man walking among the trees, who is believed to have been Mr. Seymour. She heard pistols fired, and saw a flash in the Ninth avenue saw a flash, which she thinks came from the seminary grounds, in the direction where she saw the man walking. This is supposed to have been about the time Mr. Seymour was shot.

Capt. Ryan was asked whether the police had succeeded in tracing the two men said to have been seen talking with Mr. Seymour about 12 o'clock. He replied that he had no doubt that one of them would be a witness on the inquest. This is the man with the black coat mentioned in Mr. Nourse, and spoken of by Detective Nevins, and is said to have been some person connected with the seminary, possibly a professor.

At a meeting of the Board of Trustees of the New York Life Insurance Company yesterday the death of Mr. Seymour was freely canvassed. Among those present were: H. B. Claflin, Wm. A. Booth, Wm. H. Appleton, Edward Martin, S. S. Fisher, Morris Franklin, Robert B. Collins, Wm. H. Wright, Wm. H. Macy, Jr., and Henry Tuck, M. D. Most of these gentlemen knew Mr. Seymour many years as a trustee of the company, and the opinion was universal that he was not likely to have committed suicide. Resolutions were unanimously passed expressive of high estimation of the deep regret at his death, and condolence with his family.

Capt. Ryan said last night that he experimented with young Stuke's pistol yesterday afternoon in a lumber yard at the foot of Twenty-first street, located in that street, all from him. The policemen then seized the half-conscious man by the legs and dragged him down the stairs, his head bumping on the steps as he went. Fitzgerald's injuries were very serious. There were nine long cuts in his head, his jaw was cut and bruised, and his right side was dislocated. He presented a shocking appearance in the Jefferson Market Police Court the next day. His wife, who was a prisoner, was covered with blood. She said her rooms looked like a slaughter house. After hearing the testimony in detail yesterday, Justice Murray said to Moore: "As far as I could see at the time there was not a scratch, bruise, or swelling upon you. I shall dismiss the complaint against these two men. I have said that I would examine this matter to the heart's core. We will now take up Fitzgerald's complaint against Moore and Warle." Lawyer McClelland asked for an adjournment. Justice Murray granted this. He refused to parole the policemen, and said they must furnish $1,000 bail for reexamination, the same as other people. After a short consultation the accused policemen decided to waive an examination and go at once to trial to the General Sessions. Justice Murray allowed this, and fixed the bail at the same amount. Thomas Riley of Hudson and West Tenth streets furnished the bail.

MR. MANTON MARBLE'S MARRIAGE.

United to Mrs. Abby W. Lambard and Then Embarking for Europe.

Mr. Manton Marble, formerly editor of the *World*, and Mrs. Abby Williams Lambard were married yesterday morning in St. Thomas's Episcopal Church, at Fifth avenue and Fifty-third street, the Rev. Dr. Wm. P. Morgan, the rector of the church, performing the ceremony. On Tuesday Mr. Yale, a friend of Mr. Marble's, called upon Dr. Morgan, who happened to be in town on business, and asked him to perform a marriage service early next morning. Consequently Dr. Morgan remained in town all night instead of going to his summer residence in New Hamburgh. Mr. B. W. Williams, the sexton, describes the wedding thus:

"I happened to be up by the church about 7, taking my usual before breakfast walk, when a carriage drove up. I opened a side door and Mr. Marble and the lady got out and entered the church. The door was closed, and the ceremony was quickly performed. There was not a soul in the church except the two. That is something remarkable, I don't know that in all my experience I ever knew a wedding without any witnesses."

After the ceremony, which was performed at 7 o'clock, Mr. and Mrs. Manton Marble drove to the French steamship Pereire and embarked for Europe. Mrs. Marble is the widow of the late Judge Williams of Augusta, Me. She was formerly the wife of Charles A. Lambard, a well-known Wall street broker, who died about six years ago. He was a member of the Union and Jockey Clubs, and a lover of good horses. He lived in the house adjoining Mr. August Belmont's, in Fifth avenue. Mr. Lambard was one of the original Union Pacific stockholders and he amassed a large fortune in investments, but before his death he lost much of it. Mrs. Lambard is spoken of as a handsome and cultivated lady. She has spent much time abroad. Since her husband's death she and her daughter, Miss Katherine Lambard, have lived at the Sherwood House at Forty-third street and Fifth avenue, directly opposite Mr. Marble's residence.

Mr. Marble has two children, a son and daughter, 10 and 12 years of age. Since their mother's death they have been living with the grandparents in Mr. Marble's country home in Bedford, Westchester County. Here, near the farm of Mr. John Jay, Mr. Marble has a fine farm under careful cultivation, where he gratifies his taste for good stock, both cattle and horses.

Roosa-Howe.

Dr. D. B. St. John Roosa of 20 East Thirtieth street was married on Tuesday to Mrs. Sarah K. Howe the daughter of R. V. Haughwout