CAMERON'S WANING POWER.

MEMBERS OF THE MACHINE CAUCUS WEARYING OF THE COLLAR.

Outspoken Dissatisfaction from Some of Cameron's Supporters—A Conference Between the Factions Over a Candidate for Senator—The Independents Taking Courage.

HARRISBURG, Pa., Feb. 17.—The developments in the Senatorial contest to-day mark the beginning of the third stage of the struggle, and Republicans of all classes begin to feel hopeful that the beginning of the end is near at hand, though prudence and the difficulty of choice of the joint assembly are as hard to make now as at any period of the contest. It is only certain that the election will occur soon, and that it will be effected by a substantial agreement of the main bodies of the caucus and Independent Republicans made by their respective committees, and that none of the favorites thus far named will be the nominee.

Yesterday Senator Cooper, a follower of the Ring, who displays special zeal in Beaver's behalf because of his desire to get Beaver out of his own way for the Gubernatorial nomination next year, led off with a proposition to take five ballots at every session and to require the assent of two-thirds for adjournment without balloting. This was intended to prevent the daily adjournments which have been forced by the Democrats and Bayne men against the Cameron plans.

Meantime negotiations had been opened between the Chairmen of the Republican faction caucuses. The regulars had proposed that a joint committee of twelve from each faction should select three candidates, each candidate to get a two-thirds vote of the joint committee. From these three the Republicans would choose the one who in open Convention would on the next ballot get the highest vote.

The Independents feared there was some trap set for them and declined, but agreed upon another plan. This was as follows: A committee of five to be selected by the supporters of Gen. Beaver; a like committee to be selected by the supporters of Col. Bayne; these committees to meet in joint conference and by a three-fourth vote to select a candidate, and upon the approval of such candidate by the respective bodies now supporting Gen. Beaver and Col. Bayne, he to be supported in the joint Convention by those approving such selection.

When the joint Convention met to-day it was with the knowledge that such a proposition was pending. A call for the friends of Gen. Beaver to meet in caucus this morning was very feebly responded to, and the movement was abandoned. Few Republicans caring to meet in response to such an invitation. A general call for a Republican caucus at 3 P. M. was then put up.

The ballot at noon resulted as follows: James A. Beaver, 78; William A. Wallace, 77; Thomas M. Bayne, 36; H. M. Phillips, 3; Alexander Ross, 4; Gen. W. S. Hancock, 2; A. C. Harmer, 2; Glenni W. Scofield, 2; Wm. V. McGrath, 1; Marcus A. Davis, 1; Thomas W. Phillips, 1; Robert E. Parkinson, 1; Benjamin L. Betts, 1; Total vote cast, 234. The Convention then adjourned.

At 3 P. M. the Republican caucus met. None of the Independents was present. Sixty-five members of the 125 necessary to elect were there. The rule was not enforced as the managers had no desire to show the weakness of their following. But that the weakness lay in other elements than a lack of numbers was very soon revealed. No sooner did Mr. Kneass offer a resolution accepting the above proposition from the Independents than the Cameron managers began with inquiries as to all the negotiations which had led up to this offer. Mr. McNeil was very awkward in his attempts to evade the interrogatories, and lost his head and his temper in his vain efforts to conceal the fact that Beaver was made the candidate of the Independents to save Cameron's house, without public notice to even all the caucus Republicans, and that the friends of Beaver had offered terms of a conference to the Independents.

Senator Norris, on behalf of the bosses, was ready with a proposition that the committee of twelve from the regulars should be nominated by a subcommittee of five to be appointed by the Chair. The purpose of this was to secure a solid dozen of faithful henchmen of Cameron for the joint conference.

A young, aggressive element, which has been restless under the Cameron leadership, opened fire on Norris's proposition, and the whole subject of Beaver's candidacy, how it was brought about, and the Senatorial deadlock generally, came in for ventilation and discussion. The courage and the freedom which distinguished the speeches of the young men broke away from the older Bangsters, who have not been accustomed to hear that sort of defiance, and some of the younger men, who have been training under the Cameron banner, but whispering dissatisfaction for several weeks, were emboldened to speak out. It was noticeable that the kick came from Philadelphia. The representatives of that Ring-ridden city had the echoes of Tuesday's popular revolution yet ringing in their ears. Representatives Kneass, Stewart, and Clark, and Senators Grant and Rowland of Philadelphia found their voices and were seconded by Representative Davis of Forest County.

Mr. Clark's opposition to Norris's proposition was notably energetic and able. He is a lawyer of ability and of such independence as to be independent. He is here for the first time, and does not expect to come again. He assailed the motion as an attempt to rob these present of their right to a free selection of a representative committee.

Senator Cooper, zealous to lose no opportunity to push his Gubernatorial rivals to the front and put him out of his own way by his election or defeat, urged that Beaver, being the choice of the caucus, was entitled to twelve steadfast supporters on the conference committee.

This gave Clark, Kneass, and Davis their chance to inquire who made Beaver the caucus nominee, and how and when and where it was done. The cross-questioning was becoming uncomfortably close, and pointed so directly to the crime committed at Don Cameron's house that Cooper, in his desperation, was driven to move that Beaver now be declared the caucus nominee. As the caucus did not number nearly half the Republicans of both Houses, nor even half enough to elect a Senator, the ridiculousness of this motion was manifest, and the proposal only increased his blundering leadership by following it with one to open nominations generally. The motions were both driven out of sight, and Senator Grier tried to explain that if the Bayne men put twelve of their candidate's friends on their committee and the Beaver men any less number of his, he would suffer in the conference.

Davis of Forest renewed his assault on the star chamber procedure proposed to select a packed committee, and roundly berated the bosses for their mismanagement of the whole Senatorial affair. He declared that he was a regular, and had faithfully followed bad leadership; that the privates had not had a fair chance. The men who had tried to run the machine, he said, had run it into the ground. The leaders were not willing to give and take, and had spent months over a vain effort to settle a matter that the rank and file could have settled in two days.

Senator Rayburn, professing to be a friend of Beaver, opposed a committee packed in his interest, and said that when the time for his withdrawal came Philadelphians would press a Philadelphian.

Senator Herr said that Gen. Beaver had been presented as a candidate without being consulted. He had submitted his character and his record, and if he was withdrawn now he was sacrificed in the interests of his friends. He owed something to Gen. Beaver, and should send twelve men into the conference who will vote for him until they see that his candidacy is utterly hopeless. It is not fair or gentlemanly to desert him at the first sign of battle. The twelve men should be the friends of Gen. Beaver first, but if they see that he cannot be elected, after persistence, then he could be withdrawn fairly.

Mr. Clark sought at Herr's expression, and defiantly declared that Beaver had been sacrificed in the house of his friends; that a large majority of the caucus, if indeed it was a majority, had gone into a place not public, without notice or call, and had agreed to support him, and expected the others to follow them.

The feeling by this time was becoming so intense that the managers cut off debate. McNeil angrily took the vote and declared Norris's motion carried.

Kneass protested against the ruling, when Senator George Handy Smith, a burly fellow, started up and violently assailed Kneass, denouncing him as a marplot, and, white with rage, manifesting a disposition to assault him.

Kneass repelled the imputation that he was doing anything but his duty, and compelled McNeil to take the vote. A show of hands was reported at 17 for an amendment to let the caucus select its own committee to 45 against it. The proposition to appoint a committee of five to nominate the conferees on behalf of the regulars prevailed, and the Chairman promptly named Norris, Penrose, Wister, Neisinger, and Mylin, all Cameron henchmen. They promptly reported the following conferees, who were confirmed, and the caucus adjourned to meet at 7 o'clock to-morrow: Senators Greer, Herr, Smith, Kester, and Cooper, and Representatives Bollman, Moore, H. C. Marshall, John Hill, Coleman, Lee, Thompson, and Billingsly. These are all stalwarts who will go for Beaver, and allow him stuck solidly for the choice of a Cameron man. After the revolt exhibited in their own caucus to-day and the manifest weakening in the ranks, it seems very unlikely that they can control the situation, which hourly increases in interest.

The following gentlemen were elected on the first ballot to-night to represent the Independents in the conference by the votes respectively appended: Senators Stewart, 54; Davis, 39; Lawrence, 81; Lee, 37; Representatives Mapes, 38; McKee, 33; Wolfe, 31; Niles, 36; Slack, 40. On the second ballot Representatives Stubbs and Derrickson were added, and on the third Representative Silverthorn. Of these twelve, Senators Davis and Lawrence are regarded as safe votes, and Stubbs are conservative but loyal to anti-Cameron constituents. Silverthorn was a leading witness against the Riot bill bribers, and Wolfe and McKee were their persistent prosecutors. Lee, Derrickson, Mapes, and Slack are entirely trustworthy. and Stewart, who will be Chairman of the committee, is a man of original power and independence who contests with Wolfe for the leadership of the bolters.

Among the arrivals here to-night is W. A. M. Grier of Hazleton, the man who started the vote for Garfield in the Chicago Convention; also Wharton Barker of Philadelphia, publisher of the *Penn Monthly*, who has been stiffening the bolters all along, and who came here some time ago with a private letter from Garfield which put a quietus on the report that the President elect had offered Don Cameron the naming of a Cabinet officer from Pennsylvania. Barker has been urging a speedy meeting of the two sets of conferees and a settlement of the Senatorial struggle. It is believed that the bolters' committee is friendly to Scofield, and his election is still among the possibilities.

AN IMPORTANT MINING CASE.

The Title to the Forest Queen Silver Mine in Colorado.

A decision was rendered by Mr. Justice Beach in Supreme Court, Special Term, yesterday, in an interesting equity suit, brought by Messrs. Nathan A. Baldwin, Cornelius Fellowes, and Robert C. Livingston of this city, against George Cornwall, to obtain their share in the Forest Queen mine, situated in the famous Ruby mining district, in Colorado. This mine is one of the most valuable in the Gunnison country, and has been stocked for a large sum.

The plaintiffs, it appears, sent Cornwall out to Colorado in the autumn of 1879 as their agent to invest funds advanced by them in mining properties. By a written agreement he undertook, from money received from the resale or working of the properties purchased, to return the money furnished, except that used for expenses, and then to divide the property purchased with his employers.

With part of the money given him Cornwall bought an option bond for the purchase of the Forest Queen mine for $100,000. He then returned to New York and reported to his principals, who instructed him to sell the option bond. Cornwall sold the bond to Wm. T. Holt of Denver, and received in payment therefor an interest of one-tenth in the mine. Subsequently he refused to transfer their share in the property to the plaintiffs on the ground that when they refused to buy the mine outright for $100,000 they ceased to have any interest in it. A suit in equity to enforce the trust was brought and tried before Mr. Justice Beach in November last. In his opinion filed yesterday the Judge says:

Equity Term, November, 1880.—Beach, J.—The interests of the parties to this litigation must be governed by a construction of the contract existing between them. I think there will be but little diversity of opinion if its terms are construed in connection with the acts of the defendant in its performance. The writing was drawn by him. It is therefore an expression of what he believed to have been the verbal agreement, and was assented to by the plaintiffs as a correct exposition of their understanding. It may be presumed from this fact, that the defendant did not omit any not to have inserted in favor of the plaintiffs in furtherance of the venture nor impose upon himself uncalled for duty or action. Whatever he did in the premises was done as agent of the plaintiffs, and must be governed by the rules regulating fiduciary transactions. The funds he had loaned to the plaintiffs, and were advanced to him for use under the contract, he to be entitled to a proportionate share of the net profits resulting from the expenditures he made.

Under the arrangement he was to go to Colorado, and, with his sons, "invest in mining properties such amounts of money as N. A. Baldwin and his associates" might furnish upon the following conditions: His reasonable expenses were to be paid, and from the money received from "resale or working of the property purchased" the plaintiffs were first to receive their principal and interest on all money furnished, except that used for expenses. After this reimbursement, the plaintiffs were to have "one-half interest in the properties" and the defendant and sons the other half. The omission from the clause regulating the division of any reference to proceeds of resale is not material, because the probable happening is so clearly indicated that, if it arose, the interests of the parties would be the same, as they undoubtedly would be in any fund, which, though it might come from action of the parties outside the terms of the contract, was nevertheless a clear result of the undertaking.

There would seem to be, in the light of events, but little doubt about the defendant's understanding of what his action was to be. His procedure was untrammeled by any directions from the plaintiffs, and he, so far as the evidence shows, exercised his own free will in using the funds intrusted to him. With this money he bought, with others, the privilege of purchasing the Forest Queen Mine, within a certain time, at a certain price. This must certainly be considered as the investing "in mining properties" contemplated by the agreement, because it was all the defendant did thereunder. The options were the property of the parties, to be by them used in promotion of their financial interests, and the proceeds, however they might arise, were subject to the prescribed division. The disposition to be made of them is also shown in the contract when it speaks of the means by which divisible funds were to result, in these words: "From money received from resale or working the property purchased." In its application to existing facts, this would seem to mean that if a mine was bought it might be either disposed of or developed, but as an option could not be worked, a resale must have been contemplated, for in no other mode, under the terms of the agreement, could it be made available. There is an absence of any undertaking on plaintiffs' part to furnish money for outright purchase, under an option, and even had there been, unless the provision for reselling was wholly omitted, it would have furnished but another way for ultimate realization, if the plaintiffs should see fit to pursue it. A different reading would have allowed the defendant to purchase with plaintiffs' funds this species of property, needing large sums for full completion, and these not being supplied, the defendant could then assail the options for his individual profit. Employment and possible gain would thus have resulted to him, without serious risk, and no imaginable advantage to the plaintiffs. Such results may legally flow from clear and intelligent expression by parties, but I have never known of their being formulated or adjudged in an Equity Court. Contracts, in cases of doubt, are construed in accordance with the intention and purpose of those making them, gathered from their contents and surrounding circumstances. There is no principle guiding the action of courts which would tolerate the injection into the agreement at bar of an understanding by plaintiffs which might probably necessitate advancements of money disproportioned to the original scheme, and seemingly not warranted by the relationship of the party, or the character of their frequent and somewhat informal interviews.

The privilege in question having confessedly been bought with the plaintiffs' funds, it rested upon the defendant to show that it was withdrawn from the operation of the agreement.

The circumstances to effect this are directly contradicted, and consequently do not appear with the certainty and precision required to accomplish that result.

A suggestive test may be drawn from the argument of the learned counsel for the defendant. Had the option been unused and worthless from expiration of the time limit, would the defendant have been liable to refund the sum paid for it? In my opinion not. His only investments were of that character and presumably made in good faith under the contract. He was not chargeable with errors of judgment, and if his purchases proved valueless, the loss was with the plaintiffs. It was their money at risk; the exercise of honest effort and judgment was his part of the adventure. Wanting, it has been the fruit of these must be divided in accordance with the agreement by which the first was advanced and the second exerted.

There must be a decree for the plaintiffs with costs.

For the plaintiffs Messrs. Willard Bartlett and Franklin Bartlett, and for the defendant Messrs. Henry R. Anderson and Henry L. Rowland appeared.

DEAD AT NINETY-ONE.

Benjamin Curtis, Once a Prominent Dry Goods Merchant, Succumbs to Old Age.

Benjamin Curtis, who at one time was a member of one of the largest dry goods firms of this city, died at his residence, 21 Gramercy Park, on Wednesday evening. Mr. Curtis had attained the great age of 91. He was born in Stratford, Conn., in 1790. Although enjoying good health all through his long life, he had latterly become feeble from age, and his death was the result of gradual and inevitable decay.

He was the son of Agur Curtis, a well-to-do farmer of Stratford, who died in 1841, at the age of 83. Benjamin Curtis came to New York in 1810, and established himself in the dry goods trade. In 1812 his brother, Lewis, who is still living at the age of 93, came to New York, and, with Benjamin and one or two other business men, established a dry goods firm, having their store first in Pearl street, later in Broadway, then at Broadway and Rector street, and last of all in Duane street. Benjamin Curtis afterward became the foreign representative of the house, and resided for over thirty years in France. He permanently returned from France about 1860, and took the house in Gramercy square, where his death occurred. He was married for the second time a few years before, and the widow and three children survive him. Mr. Curtis continued actively in business until after his 80th year. He has for many years been a prominent member of St. George's Episcopal Church, in Stuyvesant square, of which the older Tyng is the rector.

THE BOAT RACING ON THE ICE

ANOTHER VICTORY FOR THE SHADOW ON THE SHREWSBURY.

Eight of the Swift Craft in Line—The Phantom Disabled—A Race on the Hudson—Very Fast Time in the Swift-Blowing Breeze.

RED BANK, Feb. 17.—Because of the slush and snow that covered the course selected for yesterday's race, the regatta committee to-day ordered the third day's racing to be sailed on the South Shrewsbury River. This seemed fair, as the winner of the challenge pennant yesterday was the Shadow of the South Shrewsbury Club. Besides the ice on the South Shrewsbury was in perfect condition. The race was called for 2 o'clock, but it was 2¾ before the judges, J. August Courlies, George N. Mapps, and H. B. Edwards, got the boats in line. The racers were the Shadow, South Shrewsbury Club, sailed by Thomas Biddle of Oceanport; the Scud of the North Shrewsbury Club, sailed by Charles Throckmorton of Red Bank; the Red Bird of the South Shrewsbury Club, sailed by J. Edwards of Branchport; the Elida of the South Shrewsbury Club, sailed by Capt. Ed. Price of Pleasure Bay; the Breeze of the North Shrewsbury Club, sailed by Capt. George Coley of Red Bank; the Pastime of the South Shrewsbury Club, sailed by Joseph Lane of Branchport, and the Phantom of the North Shrewsbury Club, sailed by Capt. Ed. Dorden of Little Silver.

As the Scud attempted to draw up in line a spinning breeze threw her over, pitching her sailor, Mr. Throckmorton, out upon the ice, together with the man who was holding down one of the boat's shoes.

The course was from the South Shrewsbury Flag House off Horse Neck Point to a stakeboat in Little Silver Bay, thence to a stakeboat off Branchport, thence back around to the Little Silver stakeboat, back again to the Branchport stakeboat and around to the starting point, a distance of twenty miles. At 3:30 a word was given, and the eight boats sped off, the Phantom leading, the Red Bird and Shadow closely following, and the Scud, Elida, Breeze, and Pastime a little behind. In this order the boats passed the Little Silver two miles stake, with the exception of the Pastime, which had her sails blown away just before turning the stake. On the second five-mile turn the Shadow went to the front, heading the Phantom barely a length, with the Red Bird third, Scud fourth, Elida fifth, and Breeze in the rear.

All of a sudden the Phantom was seen to drop out of the race. She had broken her bobstay on the first start, but her sailing master took his chances, and pluckily kept on with the stay dragging until the boat was thoroughly crippled. After this the positions of the boats did not change, except that the distance widened between them, the Shadow coming in first in 56 minutes 2 seconds; Red Bird, 58 minutes 19 seconds; Scud, 59 minutes 16 seconds; Elida, 1 hour 1 second; Breeze, 1 hour 30 seconds.

The result was a great disappointment to the North Shrewsbury Club, whose members were surprised to see the tricky winds which their Scud had so long taken from them twice in succession. Another bout will be had over the same course to-morrow, the same boats participating for the pennant. To-morrow also the fleets of the North Shrewsbury, the South Shrewsbury, and the Treasure Beach clubs will compete in a fifteen-mile run from Pleasure Bay for a silk pennant offered by Judge Peter Denyse of Branchport.

POUGHKEEPSIE, Feb. 17.—This was another day of wild ice yacht sport on the Hudson, and two races were sailed by yachts of the Poughkeepsie Club. The first contest was the silver tiller race, the first heat of which was won yesterday by Norman Wright's Æolus. In the second heat to-day only four yachts started, the Icicle, Æolus, Ella, and Restless. They got the word at 2¾ P. M., with a chunky west-southwest wind blowing and the ice a trifle soft, which was bad for time. The Æolus got the best of the start, but the Icicle hung on, and the Ella and Restless were close up. The Æolus passed the Whale Dock like shot out of a gun, and the roar of the runners of the Icicle behind her and the gear was perfect for strong westerly blasts could be heard a long distance, and they threw clouds of ice to the rear. Near the Water Works Dock the wind howled, and lifted the Æolus in the air, but she dashed along like lightning on two runners, and the Icicle northerly flying ahead of all, with the Icicle and Restless not 300 feet away, and the Ella only a little further off.

As the racers headed to the southward the wind was too much for the Æolus, and her helmsman lost control of her. She pitched and dived and lifted and slid, and the vessel at her as a steamboat would go by a dock, and made a bee line for the starting flag, shooting by it like a rocket. She was off a mile ahead of the Restless, which was a mile ahead of the Ella, and the Æolus was out of the race. The little boat was over her flag, turned it, and came north again with a spanking breeze, and was lustily cheered as she passed the starting flag the second time. She was never headed afterward, winning the heat in fine style far ahead of the Restless and Ella, who finished close alongside, they sailing a dead beat home in 48 minutes. This gives her one heat for the silver tiller and the Æolus one, and another heat will be raced at 9 o'clock to-morrow morning, when, if either one of them wins it, the victor takes the tiller. But if a third yacht wins it, then a third heat will be raced.

The next race was the third heat for the silk pennant. One heat had been won by the Gypsy two weeks ago, another was won yesterday by the Fairy, and the race to-day was to decide the contest, only the Fairy and Gypsy starting. They were sent away nicely, the Fairy leading, but on the way up the river the Gypsy passed to the front, turned the north flag ahead, and came down like the wind. A shroud on the Fairy parted, but she kept along, and near the finish made it very lively for the Gypsy, but the latter went across the line ahead, winning the race and pennant in twenty minutes, the fastest time that has been made thus far.

The second class boats of the New Hamburgh Club raced to-day in a heavy wind. The Phantom won, beating the new boat Fitzwaty by one minute and fifteen seconds. The first class boats, Zig-Zag, Zero, and Quickstep, took a party of New Yorkers on an excursion to Newburgh.

AMUSEMENTS.

Mr. Rummel's Pianoforte Recital.

The opening yesterday afternoon at Steinway's of Mr. Rummel's series of four matinées of pianoforte music is a noteworthy event, interesting not only for the inherent value of the entertainment, but also for its bearing on the general interests of musical art. It is good for these interests that such artists as Mr. Rummel should establish themselves with us permanently, not passing, comet-like, across the concert stage to dazzle with occasional and spasmodic displays of phenomenal virtuosity, but steadily working upon the public taste and collaborating with all other fine influences which tend to raise our æsthetic standard.

For such radical and abiding influence Mr. Rummel is especially fitted by his thorough training and broad knowledge, his admirable technical skill, his genuine enthusiasm, and his conscientious devotion to his work. A marked feature in his programmes is the high standard which dictates their selection and the taste which prevents severity from degenerating into the dry or the forbidding. When it is remembered, too, that Mr. Rummel is so familiar with his vast repertoire as to play all, or almost all, the numbers from memory, it is evident how valuable a force he constitutes in the artistic community, and how eminently worthy he is of durable, general, and grateful recognition.

The programme of yesterday afternoon was an excellent selection from the best compositions of Bach, Schumann, Beethoven, Mozart, Chopin, and Liszt. An absolutely novel and yet these familiar names was a Fantaisie-Stuck—an Elegie in E Minor—by Forsholm, noticeable for the poetic grace of the composition, as for the appreciative skill of the execution. For the rest it would be superfluous to challenge Mr. Rummel's merits, so familiar to judges of good music are his technical correctness of method, and the taste and spirit which inspire his performance. It may be noted, however, that the audience seemed to peculiarly enjoy the Bach-Liszt Prelude and Fugue, the Mozart Fantasia and Sonata, the Beethoven Sonata in A flat Major, with the fine *Marche funebre*, and the group, Impromptu, Nocturne, and Fantaisie, by Chopin.

One word may be had in reprobation on some of the material aspects of this and other concerts of like scope. It is time that piano playing of the best kind should be under the control—as regards the choice of appurtenance and surrounding—of some more judicious influence than the interests of rival halls or piano manufacturers. It is not of the slightest importance to the public where Joseffy, or Rubinstein, or Rummel shall play so long as he is heard to the best advantage, and this he cannot be in an auditorium so spacious as Steinway Hall. The piano is a conversational instrument, not an orchestra or a full organ, and needs for its full enjoyment nearness, limited space, a certain confident and confidential proximity, and æsthetic intimacy. Played in a vast hall, it is apt to appear thin, metallic, colorless, and uninpressive. It plays to the ear in the gallery and keen the steady and profitable support the deserve, the managers and the artist must consult the limitations of sound and of nervous sensibility, and surround their entertainment with all the appliances needed for its more complete and hearty enjoyment.

A large stock of sealskin sacques and cloaks, English dyed; finished circulars and wraps, new shapes, offered at retail by persons, thinking of no manufacturer, 103 Prince street. Selected opportunity to purchase reliable furs cheap.—4dw

THE GREAT WALKING MATCH.

Arrival of Mr. Atkinson of the London Sporting Life—Arranging the Preliminaries.

Mr. Atkinson of the *Sporting Life* in London arrived in the Wyoming yesterday afternoon. He represents the stakeholder in the forthcoming pedestrian matches between O'Leary and Vaughn and Rowell and an unnamed American. Mr. Atkinson was found in his apartment at the Ashland House at 5 P. M. Rowell sat on his bed as brown as a berry. He had just returned from a tour through Central Park.

"Rowell and Vaughn have formally accepted O'Leary's challenge," said the representative of the *Sporting Life*. "The money was up before I left Europe, and the match means business. There are two separate matches, each for £500 a side—that's $2,500 of your money. The winners are to take, in addition to the stakes, two-thirds of the net receipts, and the loser gets a third."

"Is there any probability that the contest will not take place?" we asked.

"Not as far as we are concerned," said Mr. Rowell. "It is a square match, and we anticipate no difficulty in coming to an agreement on minor details."

"It has been said," observed Mr. Atkinson, "that two tracks would be used in the match, one for O'Leary and Vaughn and the other for Rowell and the unnamed. I think," he added, turning to Mr. Bryan McSwyny, O'Leary's representative, "that this is unnecessary. If there are two tracks one must necessarily be smaller than the other, and the number of laps to a mile will vary. As there are only four competitors, I think they can all walk on the same track."

"It shall be as you say," Mr. McSwyny replied. "I'm sure that O'Leary will not object."

"We would like to have our cabins put on the corner curves, close to the track," said Mr. Atkinson, "so that our men can step from the door on the course."

"O'Leary will agree to that," Mr. McSwyny answered. "There will be no trouble over such details. We are willing to give you every facility."

"I have no doubt of that," said Mr. Atkinson. "We shall ask for nothing that is not fair. All the competitors will be on an equal footing. We shall not ask for anything that we are not willing to grant. I don't suppose that there is any necessity for a referee in regard to the walking, although one must be chosen. I know that O'Leary is a square walker, and I think all will admit that Vaughn is equally as square. I don't think that he was ever disqualified or even cautioned."

Some discussion then ensued as to the composition of the track. Mr. Atkinson objected to a sawdust path, as it became moist, and heated the feet. He compared men walking on such tracks to men walking on sponges. Mr. McSwyny agreed with him.

"The track that you had in the Garden when I last walked here will do for me," said Rowell.

"I ask no better."

"That was a clay track," said Mr. McSwyny. "I believe the clay is still in the Garden. That track, I know, will be satisfactory to Dan."

"When will Mr. O'Leary be prepared to name his man?" Mr. Atkinson inquired.

"Well, he desires to reserve that privilege until he comes on the track," Mr. McSwyny observed. "He has already picked his man. I may say that he is a native American. Probably he thinks it may stimulate public interest not to give the name to the public. I don't know as it will make any difference to Rowell."

"Oh, I don't care a d—n who it is," said Rowell. "I only hope that you will pick out the best man you can find. That's all."

"We would like to have the same rules as those that govern the contests for the Astley belt," Mr. Atkinson said. "I don't believe in allowing attendants to walk around the track with the principals—not that I fear any unfair play on the part of Mr. O'Leary, but because I believe it would be more satisfactory to limit the attendants to twenty yards. That's enough to attend to the wants of the men. I would like to have this limit made in the stipulations."

"Anything of that kind will be satisfactory to Dan," Mr. McSwyny replied.

The parties then decided to meet at the Astor House on Monday next to draw up and sign the stipulation concerning the match.

Madison Square Garden has been engaged, and the great contest will begin at 1 o'clock on Monday morning, March 12. An effort to belittle the match has been made by unprofessionals interested in the walk for the old 1,000 Astley belt, which, by the way, the match between Vaughn and O'Leary and Rowell and an unnamed American will undoubtedly prove to be the most interesting of all the international matches. A brother of Sir John Astley has sent over £50 to invest on Rowell.

TOM LANE, PUGILIST.

The Death of a Fighter who Came of a Race of Fighters.

Tom Lane, the well-known English pugilist, died in the New York Hospital on Wednesday morning at twenty minutes past 1, of delirium tremens and pneumonia. He was sent to the hospital by his friend, Owney Geoghegan, who paid all the hospital and funeral expenses.

The remains were taken from the hospital at 2 o'clock Wednesday afternoon, followed by Badger Crutchley, James Carney, Sam Greene, James Walden, Charles Hughes, P. Eagan, W. H. Johnson, Steve Taylor, Mike Donovan, George Rooke, Jerry Ferry, Peter Crocker, Pat McCarthy, Pat Mooney, James Reilly, Steve O'Donnell, and others, and were followed by a large concourse of people.

Tom Lane was born in Birmingham, England, in 1842. He came of fighting stock. His father was James Lane, and his grandfather was the famous "Flaxen" Lane, who, after winning twelve battles, was beaten by Yankee Sullivan in England, in a desperate fight of thirty-four rounds, in 1841. Another brother of the deceased was Jeff Tom Lane, who died some time ago. The deceased had defeated the following men: Dick Ferguson, Pat Kelly, Badger Crutchley, J. Kynney, the shoeblack, Bob Merton, Dick Tuckey, Sam Harris, Jem Mace, Jem Ward, and Jack Tiller. Owney Geoghegan brought Tom Lane and Badger Crutchley from England. They arrived in this country on 25, 1880.

A Woman's Sad Story.

Ellen Connolly of 116 Madison street walked feebly to Justice Bixby's desk in the Essex Market Police Court yesterday, and said:

"I would like a warrant for my husband."

"What for?" asked the magistrate.

"He is killing me and my child, sir. I am dying, sir, of consumption, and my husband for three months past has been selling everything we owned to obtain drink. This morning he took my only covering, a cloak.

"What does your husband do?" asked Justice Bixby.

"He is a brush maker, but he has sold all his tools."

"Does he beat you?"

"Yes, sir, continually, and he starves me and my child."

"If I have him arrested," the magistrate asked, "what will become of you?"

The woman buried her face in her hands and sobbed.

"I will go to a friend's house, where I think I shall soon die."

"What will become of your child?"

"I don't know, sir. Perhaps some charitable people will care for it."

"How old are you?"

"Twenty-three. I am an English woman. I am six years married, and my child is 5 years old."

Justice Bixby gave special instructions to have the sick woman and her child taken care of.

Warned of Fire by a Bird.

The fluttering of a canary bird in its cage in the apartment of the Rev. Jeremiah Brosnan in the parochial residence attached to St. Charles Borromeo's Church in Sidney place, Brooklyn, awakened the priest at 2½ o'clock yesterday morning. Wondering what had startled the bird, he leaped out of bed. Then he noticed a bright light through the window and a smell of smoke. He ran to the rear of the building and found the back door, which he occupied daily by from 500 to 600 people, Father Brosnan awakened Dr. Freel, pastor of the church, Father Ward, and several Franciscan brothers in the house. All gave the alarm and the fire engine quickly arrived. The fire burned for an hour, and the closets on the north side of the building was badly damaged. The fire did not reach to the rear wing of the pastoral residence, but were soon extinguished there. The fire and water caused about $5,000 damage. The fire is supposed to have originated from a defective flue. It was known was said to patrol the vicinity, was not in sight when the fire was discovered.

The Case with Many Stops.

The case of Rocco de Carlo, who was charged with stabbing Michael Kelly, was called again yesterday in the General Sessions. The case was deferred on Tuesday because essential witnesses for the prosecution had not been secured by Assistant District Attorney Beecher. It was postponed on Wednesday on account of illness in Mr. Beecher's family, and the complainant and the witness stand yesterday and they had been unpanelled, it was found that the prisoner had not been brought from the City Prison.

"This case, gentlemen of the jury," Recorder Smyth said, "cannot go on last now. The prisoner is not here, and we cannot easily proceed without him. [Laughter.] After the trial of another case, Rocco de Carlo's trial was begun. But there was still another break down, and it was found the complainant was not positive as to De Carlo's identity, and he dared not swear, saying that it would be unsafe to convict De Carlo, then and the jury to acquit him.

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A Kentucky Murder.

LOUISVILLE, Feb. 17.—William Hardy and Harry Clemons quarrelled recently over an alleged remark made by Hardy about Martha Clemons, Harry's sister. They had never come to blows over the affair, however, until today, when they met on the street. Hardy said: "Let's settle that matter now, Harry." The latter replied that he was willing, and pulled out a pistol from his hip pocket and held it toward Clemons. Before he could fire, Clemons clinched with his hand and attempted to get the weapon from him. A terrible wrestle that followed, Clemons then Hardy to the ground and fell on top of him, still trying to get the pistol away from Hardy. While in this position Hardy reached with the weapon, which was already cocked, and, bringing the muzzle against Clemons's head, pulled the trigger.

Clemons's hold relaxed, and he fell upon the breast of his murderer. The impact fired himself and lodged under the wound, and putting the pistol in his pocket, walked rapidly away. Clemons died this afternoon.

Fatal Railroad Accident.

ST. LOUIS, Feb. 17.—A despatch from Hannibal, Mo., to the *Post-Dispatch* says: "The caboose of a freight train on the Wabash Railroad jumped the track at East Hannibal shortly this morning, killing Joseph Bowman, engineer, and fatally injuring Fireman Clement. The conductor, and a brakeman, were slightly hurt. A drawer has caused the accident."

TELEGRAPH LITIGATION.

THE SUITS OF A STOCKHOLDER AND THE DIRECT CABLE COMPANY.

Affidavits of President Green and Others—A Decision by the Court—Argument in the Suit of the Cable Company Postponed.

The hearing upon the motion to continue the temporary injunction in the suit, in the Superior Court, of William S. Williams against the Western Union Telegraph Company and its directors and the Union Trust Company, restraining the increase of Western Union stock beyond $41,073,000, the ratification of the consolidation agreement, and the issue by the trust company of the new certificates of stock, took place yesterday in Chambers, before Chief Judge Sedgwick. The plaintiff was represented by Robert Sewell, and the defendants by ex-Judge Porter for the directors of the Western Union Company and Wheeler H. Peckham for the Union Trust Company.

Mr. Sewell read the papers upon which the injunction was granted, alleging that the cost of the property of the American Union Telegraph Company is less than $5,000,000, represented by a mortgage of that amount, and that its $10,000,000 of stock actually issued has not been paid for, but was issued as a bonus to the persons who advanced the money on the mortgage bonds to build such lines and purchase such property, and that the $10,000,000 stock have no intrinsic value. He repeated the arguments used in Rufus Hatch's similar suit.

Affidavits in opposition, sworn to by Augustus Schell, Edwin D. Morgan, Harrison Durkee, James H. Banker, Wilson G. Hunt, Joseph Harker, John Van Horn, Samuel F. Barger, J. Pierpont Morgan, Edward S. Sanford, Edwin D. Worcester, Cornelius Vanderbilt, Moses Taylor, William H. Vanderbilt, Russell Sage, Jay Gould, Thos. T. Eckert, Abijah R. Brower, and Dr. Norvin Green, President of the Western Union Company, were read. Dr. Green, in his affidavit, denies that a conspiracy was entered into to depress the stock of the three companies for the purpose of obtaining control of the majority of the stock of the companies at prices below their value