DESPERATE MEN AT ODDS.

CONFLICTING STORIES AS TO HOW MILLER MET HIS DEATH.

Testimony that Miller Tried to Get the Drop on Tracey—His Alleged Threat—The Coroner's Party at the Scene of the Shooting.

The inquest regarding the death of Charles P. Miller was resumed yesterday in the Coroner's office. The court room was again crowded with sporting men. The principal witness was William H. Borst, and his evidence was in some respects contradictory of that previously given. Coroner Herrman conducted the investigation, and his ample shirt bosom was conspicuously ruffled during the morning by frequent spars this between himself and opposing counsel. William Tracey, the accused man was well dressed and unconcerned.

William H. Borst of 93 Lexington avenue testified. He was handsomely dressed and self-possessed and confident. He said: "I was in Dorlan's at the time of the shooting. I came in at 11 o'clock and got a cigar. I saw Col. Duke, Dr. Minchin, Dr. Crawford, Mr. Moore, Billy Tracey, and Miller all standing in the cigar store talking. I asked them to smoke. Some did and some did not. I stood a minute and then, as I was left alone to go to the back part, I went out and go home. When I was part, I heard fall from the cigar counter, the street door opened and Tracey came. As he came through he called out, 'Have a drink? I'll treat.' Then he faced toward the bar and said to Dorlan: 'Dick, give me a drink.' He then turned, took two or three steps to the cigar store and come to a stand. I saw a pistol in his hand. I saw Miller at Tracey's left, in the right hand. I saw a flash and heard a report, and saw that Miller had shot Tracey. I was directly in range of the pistol. I ran to the back part of the room. When I turned around the first I looked and saw Tracey fall. Miller held his pistol around behind his back. Bets's shoulder, pointing in the direction of Tracey, who was reclining. Moore had hold of him or was trying to get it. Moore cried out, 'Charley, don't shoot, don't shoot me.' Darling said, 'I have got it.' I saw Moore and Miller have a struggle. At the time Miller pointed his pistol at Tracey, Tracey did not have a pistol in his hand. Immediately after the shooting Miller walked out on the walk, and Tracey had retreated back. He said to Dick Moore, 'He shot me in the back.' Tracey said to me, 'I'm a dead man.' I went to go of Tracey, who went down toward Twenty-ninth street. I went out right behind him, and then heard Dr. Minchin say, 'Get a coach, Dick.' I think he's gone.' This was the first I knew that Tracey was shot. I didn't know that Miller was shot. A coach was called and driven to the spot. I was standing at the time of the shooting four feet behind Tracey and twelve to the right. I did not see Tracey draw a pistol, but when he went back with Mr. Moore he had a pistol in his hand. I knew Miller for five years, but never saw him him with a pistol in his hand before night. Last spring, after the other affair, Miller said the first chance he got he would get Tracey. Tracey was alone when he entered."

Here a hot discussion ensued over this question put by Colonel Fellows:

"If Tracey did draw a pistol and fired a shot, he did it after the time you saw Miller pointing a pistol at Tracey's head?"

"That's hypothetical; I object," said the opposing lawyer.

Borst continued: "My impression afterward was that Miller's pistol snapped, and Tracey drew a pistol and fired the shot. Tracey hated because Miller drew a pistol, and I saw no movement that indicated that Tracey drew a pistol until I saw it in his hand. My impression was that he drew a pistol because he came to such a sudden halt. Col. Duke told me on Wednesday. Tuesday that Miller's pistol snapped. While Tracey was being pushed back Miller still held a pistol. When Moore let go of Tracey, Tracey went out alone."

To a question by a juror as to whether Tracey had a loaded pistol in his hand when he entered the cigar store, the witness said: "He had one in his right hand, but might have had one in his left without Borst seeing it.

"When I came in," Borst continued, "I saw Miller leaning on his right arm, but he was not when Tracey came in. When Miller said he was going to kill Tracey, I told him it was a very wrong and foolish thing to do. Then he said, 'I am sorry I did not kill the —— — before.' I told Joe Doyle what Miller said."

"What is he, a broker or a commission merchant?" interrupted Coroner Herrman.

"Of Coroner" broke in one of the lawyers. "I object to the question. You have no right to insult the witness."

Continuing, the witness said: "I also told it to A. Smith and Tracey. I don't know where Smith is at this minute. I heard he was arrested last night. They threat to shoot Tracey was made the day after the shooting accident at Tracey's saloon.

"Did Miller ever stab Carroll in Tracey's saloon?" was asked.

"I have heard so, but not from Miller."

Capt. Alexander S. Williams said the shooting was reported to him at 11 o'clock on the 7th. On the evening of the 8th Tracey came in and surrendered himself. He said the reason he did not give himself up before was because he was afraid to come through the streets in the day time. He had a pistol with him, and said he had fired it to have as many witnesses as possible. "I have a pistol represented as Miller's," continued the Captain. "When Betts and Minchin came to the station house Betts had Miller's pistol. It has five barrels, and is about 32 calibre. The pistol was loaded."

The jury then visited the place in the afternoon and made a minute inspection. The inquest will be concluded to-day.

MILLER'S EARLY LIFE.

From the New Orleans Picayune.

The death of Charles P. Miller, the notorious bunco roper and confidence man, in New York, by a gunshot wound inflicted by the proprietor of a thieves' resort, brings to mind the misdeeds in this city of the most successful and accomplished rogue that ever pulled the wool over the eyes of an honest man.

Miller's career began in New Orleans, where his accomplished manners and exceedingly entertaining appearance ever made him an adept in the nefarious profession which he had adopted as a means of livelihood. So skillful were his schemes, so admirably he assumed his demeanor, and so thorough his knowledge of a prospective victim's foibles, that one that he had singled out as a fit object to fleece rarely if ever escaped him, and but one single instance can be remembered where a victim slipped through his fingers. It is said that was the action of a fellow-traveler, who he entered to the door of a bunco establishment before "Sam" was aware of it. Miller, however, did not succeed in inducing Chatham to go up into the den.

Among his many exploits he successfully roped in and fleeced a ventriloquist and sleight-of-hand performer at the Academy of Music, and victimized the celebrated French billiard player Dubignée to the extent of a few hundred dollars and a gold watch and chain.

He was at one time arrested for robbing at one of these "skin games," and came up for trial in the First District Court; but he was proven that the affiant in the case had played to wound fools what he thought good chances, the accused was discharged. Miller is also said to have inveigled Gen. J. B. Steedman into a bunko room and succeeded in transferring a large amount of wealth from the possession of the General to his own.

THURLOW WEED AT EIGHTY-FOUR.

His Birthday Spent in Receiving Old Friends and Chatting of the Past.

Yesterday was Thurlow Weed's 84th birthday. The veteran politician was up early, and, cleanly shaven, and dressed in a new suit of black broadcloth, sat by a bright grate fire in his reception room. As early as 9 o'clock his friends began to come in. One of the first was Mr. Hill, a retired merchant living at Weymouth, Mass., who had not met Mr. Weed for seventy-three years.

"Why," said Mr. Weed, grasping Mr. Hill's hand, after he had identified him, "we were boys together at Catskill in 1808. I'm delighted to meet you once more."

Mr. Hill is Mr. Weed's junior by only five or six years. At parting each bid the other an affectionate farewell.

In room Mr. Weed's centre table was loaded with baskets of flowers, and more had been sent to the parlors up stairs. The number of ladies who called was very large.

Glancing around at the many little presents he had received, Mr. Weed said:

"All these things are very dear to me. They are the landmarks of my life, and, as the end draws nigh, their worth to me increases. It is a great gift to have so many kind friends."

Mr. Weed's sight is growing dim, but his memory is as fresh and accurate as ever. Of his birthday he said yesterday:

"I was a printer, in my earlier days. I was a sufferer from all beverages, sanctioned and unsanctioned, for years. I was a hard drinker. I never drank for total abstinence as a virtue, but I had no taste for drink. I used to see Irish workmen take their beer, and I used to think it my business to find fault with them. I never liked it, and I doubt, in my heart, if they liked it. I doubt, in my heart, if they gave an honest answer, and the appearance of one always represented me with a bitter in my mouth. I never used tobacco in any other form. About twelve years ago I had a spell of sickness, and when I was pronounced by physicians advised me to leave off tobacco. I taken no smoked since. In fact, I have not the desire for tobacco since. For a hundred years I have taken a little wine with my dinner."

During the reporter's interview the venerable statesman (political) ex-minister invited him to come again whenever he wants information on any point of American political history.

Peremptory Injunction Granted

Against the sale of portraits of Marshal La Fayette, which the plaintiff claims are spurious, and made to the benefit of another party, who are now being drawn by such impositions.—Ade

AFTER THE GRAND STREET HORROR.

Examiner Hyde Dismissed—Action by Mayor Grace—Mary Saville Buried.

Charles K. Hyde, who was chief examiner in the Bureau of Inspection of Buildings, and who examined the two tenements at Grand street and South Fifth avenue six days before they fell, was dismissed yesterday by a unanimous vote of the Fire Commissioners, on motion of Commissioner Purroy, and on a charge of neglect of duty. He was appointed by Jonas N. Phillips twenty-one years ago to be chief of a bureau in the old Building Department, and has served as an inspector ever since. President German of the Board of Fire Commissioners said to a SUN reporter yesterday:

"When the Bureau of Inspection succeeded the old Department of Buildings, in July, 1880, we put Hyde at the head because he long been receiving the highest salary and appeared to be a superior man. The various inspectors and clerks assembled yesterday, and developed by sworn testimony the score of Hyde's failure to do his duty in the Grand street cases.

"On the 28th of October a man whose name has not been ascertained came here and made a complaint about the unsafe condition of these houses. The complaint was made to an officer connected with and put in the letter box. Although all Hyde's letters were dropped. Unfortunately, the complaint got behind the folded leaves of another complaint referring to a frame building in Hudson street. Hyde came in next day, opened his box, took up the complaint for Hudson street, read it, and, being perfectly familiar with its contents, did not open it, but put it away in his desk. Then he went down to Hudson street, examined the wooden house, and, returning, wrote his report on the back of the complaint, still neglecting to unfold it. On the 3rd of November Hyde's attention was called by a fresh letter to the condition of the Grand street houses. He went around, took off his coat, rolled up his trousers, waded into the cellar, and examined the foundations. They were dangerous. He made his report on Nov. 4. The buildings fell on the 6th at 7 A.M. We discharged Hyde for neglect of duty in not examining his papers carefully."

Accompanying the resolution to dismiss Hyde was the following resolution:

That hereafter, whenever notice is received that a building is in a dangerous condition, it shall be the duty of the Commissioner of Buildings, immediately upon a copy thereof upon the Inspector of Buildings, and, in all probable cases, to the premises, stating the reasons for such notice, and it shall be the duty of the Inspector immediately to serve written notice of the condition of the premises on the tenants of the premises in which they are situated, and to cause to be affixed to the premises a notice in conspicuous place, in such form as may be prescribed by the Commissioner of Buildings, and to make such other and further examination and inquiry which he may have made or which may be required to be made in the premises, and shall be placed, neither to receive, at your earliest convenience, a complete list of all the officers now employed in the Bureau of the Inspection of Buildings, together with their addresses and the amount of salary paid to each in addition to these, and will please send me a complete list of all buildings in the city and being under the jurisdiction of said Bureau, in your opinion, the force at present engaged to perform said duties is insufficient in number and incompetent in character, and if so, what number of men and what salary should be paid for such service, and, if you think the force at present employed is competent, and the bureau should be made perfectly efficient, at what expense it would be necessary to make an extraordinary expenditure of funds, and, if so, what, in your opinion, is the most practical and possible of occurrence in our community, and it is to be hoped this unnecessary that the Bureau of the Inspection of Buildings exists.

It has come to light that the laws relating thereto are not sufficiently stringent and do not give enough of power to the bureau to enable it to perform the duties devolving upon it. If these laws have been made defective, and if you have any suggestions to make relating to your experience in working under the law, as to require amendments of the law, I should be pleased to have you make them to me, and, if you think they should be brought to the attention of the Legislature, I am sure that it is my desire in every way to assist my department in every possible way, and means at its command to the extent of the adequate performance of the duties imposed upon it, and to assist it, so far as lies in my power, in securing any legislation which may be required in the premises.

Mary Saville, whose death increased to ten the list of those killed by the fall of the two Grand street tenement houses on Wednesday of last week, was buried yesterday in the Lutheran Cemetery. She was 17. Her sister Dolly, 7 years old, was killed also, their parents escaping with trifling injuries. The Rev. William J. Seabury of the Church of the Annunciation conducted yesterday's funeral services at 73 Thompson street.

THE FEATHER-WEIGHT CHAMPIONS.

Troops and Handcuffs Ready to Receive Them in Canada.

ERIE, Nov. 15.—Citizens of Erie are greatly agitated over to-morrow's prize fight between Frank White and George Holden for the feather-weight championship of the world and $5,000. Crowds of sporting men have arrived, and the barrooms are scenes of noisy discussions over the chances of the combatants. Frank White, the American champion, arrived here at noon Monday. With him were Tom Kelly, Warry Edwards, Bob Smith, McGowan, and John Taylor. White looks the picture of health. He says: "I never felt better in my life, and I am confident of winning." Holden, the ex-champion of Great Britain, came in by the 4 P.M. train with his backers, accompanied by James Johnson. His backer, William H. Harding, representing Richard K. Fox as stakeholder, Dooney Harris, and George Fulhames accompanied him. His train was several hours behind time owing to a slight accident fifteen miles before Buffalo, by which Holden got a great shaking. The train struck a misplaced tie. Holden said this evening: "I feel a sure winner, if I have a fair show. I'm a stranger here, but Whitey's a little slow, and I think I can do him easy."

The pleasure yachts Massassaqua and J. H. Walker have been chartered to carry the party across the lake.

SIMCOE, Ont., Nov. 15.—The Sheriff has been advised that persons bent on witnessing the proposed fight are pouring into Erie, and that boats have been chartered to leave for Long Point at 3 o'clock to-morrow morning. The Sheriff has chartered the Annie Craig, and she is now lying at the Port Dover wharf with steam up. Two companies of volunteers have been furnished with ammunition, and the Sheriff has been supplied with fifty pairs of handcuffs.

SUING PATTI.

Max Maretzek's Twenty-Year-Old Claim for Damages for Breach of Contract.

Condert Brothers, who are attorneys for Adelina Patti, were served yesterday morning with the papers in a suit brought against the prima donna by Max Maretzek. One of the firm said he was not at liberty to make the particulars of the case public until Mme. Patti had gone over the papers. Mr. Maretzek's claim, he said, was twenty years old. Mr. Maretzek had evidently written to Mme. Patti of his intention of bringing the suit, because she had instructed the firm to appear for her in the matter. To a question if the amount of the claim was 20,000, as had been reported, the answer was that it was not so much.

Mr. R. S. Newcombe of 4 Warren street, attorney for Mr. Maretzek, also declined to give the particulars of Mr. Maretzek's claim. From other sources it was learned that the suit is for an alleged breach of contract to sing in Mexico in 1861. It is said that Patti was engaged for a stipulated amount, and that Maretzek prepared the route, engaged the rest of the company, purchased the necessary warrants, made the contracts for the theatres, and advertised the tour. It is alleged that Patti finally refused to go to Mexico, that Maretzek had expended $10,000 in making the arrangements for the tour, and that he lost nearly all the time he had available for fulfilling the engagement. A number of reputable business men testified that McCusker has always had a good reputation.

The case was then argued on either side. Justice Davis charged the jury that, if they believed that McCusker intended to shoot Foley when his pistol was discharged, and even accidentally shot Maggie Hines, he could be convicted of murder in the first degree, because he had killed her while in the commission of a felony—the attempt to kill Foley. He took from the consideration of the jury everything other than the indictment, which would bring upon him a sentence to death, and he suggested a compromise to Mr. Lyon. The upshot was that by his advice McCusker offered a plea of guilty of manslaughter in the fourth degree. The jury was then recalled and discharged. Then McCusker's plea was accepted.

"I think that you did well, McCusker," said Justice Davis, "to accept the advice of your counsel. The jury might have found you guilty of murder in the first degree. I sentence you to State prison at hard labor for four years."

"I thank your Honor," McCusker said, bowing and waving his hat.

The jury stood 4 to 8 for conviction of murder in the first degree at the first ballot.

AMUSEMENTS.

"Les Cloches de Corneville" at the Metropolitan Casino.

The performances of "Les Cloches de Corneville" at the Metropolitan Casino have steadily improved, and now the excellent cast, capital orchestra, and beautiful scenery make the representation among the best ever given in the city. The successes of Miss Morton as *Serpolette*, and of Mr. Seymour as the miser *Gaspard*, have already been spoken of. Now Miss Helen Dingeon, as *Germaine*, is sharing the honors with them. She has always been popular, but latterly her voice has grown far more firmer. This is due to her sweet voice and charming presence, which invest her performance of *Germaine* with winning grace and refinement.

Notes of the Stage.

Mr. Alexander Lambert will be assisted by Miss Emma Schrader and the New York Philharmonic Club quartette in his concert in Steinway Hall on Friday evening.

Miss Florence Conderton's second piano recital will be given in Steinway Hall next Saturday afternoon. She will be assisted by Mrs. Florence Rice Knox, contralto; Mr. Richard Arnold, violin, and Mr. Charles Werner, violoncello.

The opera on Friday night will not be "Lucia," as first announced. "Faust" is to be given in its place, with Campanini, Novara, Del Puente, Mme. Kaine, and Mme. Fursch in the cast. "Il Trovatore" is to be the opera at the matinee, and "Lucia" is to be given on Monday. "Lohengrin" will be performed to-night.

Mrs. Carroll's Stolen Diamonds.

On the night of Nov. 8 the jewel case of Mrs. Lucy A. Carroll was stolen from her residence, 108 Madison avenue, by thieves, who entered the house through a parlor window. The case contained a watch, several diamond rings, bracelets, and a pair of diamond earrings. On Monday afternoon Detectives King and Lyons arrested Alfred Stringer, alias John Johnson, suspected as a suspicious person. In his possession were some of the property stolen from Mrs. Carroll. Stringer was yesterday arraigned in the Jefferson Market Police Court. Justice Otterbourg remanded him.

Winners at the Washington Races.

WASHINGTON, Nov. 15.—The fall meeting of the National Fair Association, which had been postponed on account of the rain, was re-opened to-day. A one mile dash for $200 was won by Ike Bonham, who had sold in the field, and French pools paid $30.60. Time, 1:47.

The Washington stakes, 1½ miles, for 3-year-olds, was won by Compensation, the favorite, in 2:42¾. A selling race, 1½ miles, was won by Little Butterup in 1:56½. The steeplechase, two miles, for a purse of $300, was won by Bramble, ex-a, the favorite, in 3:54¾ and 3:4 3.

Identified by a Stain on His Finger.

Ernest A. Thomalen was arrested yesterday on a charge of embezzling $4,000 of Government money between July, 1879, and December, 1880, while Deputy Collector of Internal Revenue at Chicago. He was found at work in a furniture factory in Delancey street. A red stain on one of his fingers led to his identification.

Court Calendars This Day.

SUPREME COURT—CHAMBERS.—Nos. 20, 40, 41, 61, 62, 63, 65, 66, 102, 103, 105, 106, 108, 109, 110, 145, 152, 158, 200, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, special term, Nos. 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275,