TO SAVE THE ADIRONDACKS.

HARVARD'S PROFESSOR OF ARBORICULTURE QUESTIONED.

Shall the State Suffer One-seventh of Its Area to be Desolated?—A Plan to Save Our Own Forests at Canada's Expense.

Morris K. Jesup, D. Willis James, Cornelius N. Bliss, Charles S. Smith, and Thomas B. Coddington of the Chamber of Commerce Committee appointed to take measures for the preservation of the Adirondack forests met in the rooms of the Chamber of Commerce yesterday to confer. By invitation of the committee, Prof. C. S. Sargent of Brookline, Mass., Professor of Arboriculture in Harvard College, was present, and, upon being introduced by Chairman Jesup, gave the committee some suggestions as to a plan of procedure. Mr. Jesup said that, while the committee, as business men, were convinced of the necessity for the preservation of our forests, they would prefer to have the data of science to guide them.

Prof. Sargent said that the general question had already been presented through the newspapers. He took it for granted that it was now well established that the cutting down of the trees and the forest fires that generally followed exposed the thin layer of vegetable mould to be washed away by heavy rains. Before the forests were cut down the spongy soil retained the moisture for a long period, even during dry weather, so that it would be gradually drained, thus preventing the floods and freshets that are sure to follow the destruction of forests at headwaters. Aside from the testimony of scientific men, he said, there was overwhelming testimony from residents in the vicinity of the Adirondacks that the streams flowing thence have been growing gradually smaller as the forests have been cut down, so that little streams only were now seen in places where living men once saw large rivers. The most significant and alarming fact that he observed was the gradual lack of water to supply the eastern end of the Erie Canal through the Black River Canal and the Black River, whose source of supply is in the Adirondacks.

In reply to a suggestion from President Jesup that there was a popular impression that the Erie Canal is supplied with water from Lake Erie, Prof. Sargent said that only the western end of the canal is supplied from the lake. Of course, it would be impossible to say without scientific data how much the water supply to the Black River had been decreased by the cutting down of the forests; but the fact that there had been a considerable decrease he regarded as beyond dispute. It did not need the testimony of scientific men to show that the smallness of the rivers was consequent upon the reduction of the forests. These observations of fact, he said, were in accordance with the attested facts in the case of the destruction of forests on the Alps and the Pyrenees. He said that if anything was to be done it would have to be done quickly, because already much of the forest growth of a hundred years had been removed, and if the destruction was permitted four or five years more no effort could avail, for the mischief would be irretrievable. In his opinion the work of preventing the destruction of forests ought to have been begun twenty years ago. Lumber operations, he said, were now going on so rapidly that very little time would be required to strip the land.

Prof. Sargent called special attention to the inevitable destruction of the forest along the line of railroad. He pointed to the denuded country as proof that the extension of the Adirondack Railroad would be a public calamity, and suggested that the grant of public lands to that railroad had been forfeited. He deprecated the possibility of making all the land as bare as it now is along twenty miles of the Adirondack Railroad. He said it would be a hundred years before this land could be of any value for agricultural purposes, because the destruction of vegetation by fire and the woodman's axe had led to the washing away of the thin soil. He spoke of the valueless lands not worth the taxes which had come to the possession of the State after being thus despoiled, and said that if that sort of thing continued it would not be long before one-seventh of the State was a wilderness, utterly unavailable for any useful purpose. The soil was gone, the trees were gone, the water to supply the canal was going rapidly, and there was the greatest urgency that something should be done.

Charles S. Smith said the practical question before them was how to accomplish so desirable an object. They were obliged to face the fact that most of the forest owners were small farmers, whose main business was cutting timber, and the amount of it they would cut was only limited by the facilities for getting it to market.

D. Willis James said that the possibility of making a wilderness of one-seventh of the State was of itself enough to command prompt action. It seemed to him that if Government existed for anything it was to meet just such exigencies of public need.

Charles S. Smith said the moral right of Government to do such work could not be questioned. The only thing now to be determined was the legal right. He was of opinion that it was a fitting subject for the exercise of the right of eminent domain.

Prof. Sargent remarked that about 600,000 acres of this land had already been surrendered to the State as not worth its taxes. He called attention to the fact that Dr. Durant owns 500,000 acres, and suggested that it would be well to get an expert report as to the present legal status of the Adirondack Railroad Company and its right to further destroy these forests. He thought it possible that the Railroad Commissioners might be called upon to take some action in the matter for the protection of New York by controlling the operations of the Adirondack Railroad, and preventing the further destruction of the forest. He would let the tourists ride a little further in stages rather than destroy the forests with railroads.

Mr. Jesup suggested the practicability of a Forestry Commission of practical and competent men, with full knowledge of the subject, to be appointed by well-power to control the matter and prevent further destruction.

Prof. Sargent saw no reason why this could not be done. He said it would be possible to replace the present ignorant and injudicious methods of lumbering with a careful cutting of the timber, so that productiveness would not be entirely destroyed. But at present the wholesale destruction is continued, so that you can hardly recognize a place you have visited ten years before. There was one practical way of reaching the evil that had suggested itself to him, which was to destroy the cause of the destruction of the forests. This cause he believed to be the high price of lumber, and the high price, he said, was largely due to the customs duty of $2 per thousand feet. He ventured to express the opinion that if this $2 per thousand feet duty was removed the motive for cutting down trees would cease, and we should then be able to enjoy ourselves by seeing our neighbors cut off their trees and sell them to us. Reduce the duty on lumber and protect our forests. He simply held this out as one suggestion.

Mr. Jesup said that if that could be done it would be a practical solution of the question, not only in the Adirondacks, but all over the country. Although, he admitted, this aspect of the question was selfish, it was a practical question whether it would not be better to cut down the forests of Canada, of Mexico, and other countries rather than damage ourselves by cutting down our own. It was simply a question of the most effective measures to secure an end most desirable. He hoped all plans would be taken into consideration, and that the early action of the Legislature would be secured. He wanted to know whether Prof. Sargent thought there were enough educated young men in the country to fill the places of forestry commissioners, and have the matter attended to in a scientific manner.

Prof. Sargent was of the opinion that it would not be so difficult to find the right men as to get them appointed. He had no doubt that the supply would equal the demand.

Mr. James remarked that the British Government was sufficiently alive to the subject to have twenty-five young men studying at Nancy.

Mr. Jesup inquired whether, in Prof. Sargent's opinion, it would be judicious for the State to buy these lands and govern them, and whether a revenue could not be got out of the lumber product to pay a part of the expense.

Prof. Sargent replied that there would unquestionably be some return from the proceeds of lumber judiciously cut, but the net result would depend upon the management.

Mr. Jesup asked whether the first thing to be done was not to have the State get possession of these lands and prevent the destruction.

Mr. Smith said that one of the first points to be considered was whether the railroad company had forfeited its charter.

Prof. Sargent replied that, so far as individual ownership was concerned, no man had a right to store nitro-glycerine on his property to endanger the lives of his neighbors. The rights of society had paramount consideration. When it was once shown that public safety demanded this measure, the State would have power enough to carry it out. He foresaw two objections that would be urged. One was that the purchase of the land by the State would be of no use. The second was that the cutting of forests by the lumbermen was not destructive of itself, because they did not strip the land. The first objection he considered sufficiently answered. The second, he said, was answered by the fact that forest fires always follow in the track of the lumbermen.

Mr. Smith added that there would be another objection urged, which would be that the scheme was one got up by the landowners to sell their property to the State, and that there was a job in it.

Mr. Jesup hoped there would be a commission above suspicion of such considerations.

Prof. Sargent presented one other consideration, which was that owing to the scarcity of water in the Hudson there is danger when there is a conjunction of low tide with northerly winds of such a continued low water at Albany as shall be productive of great inconvenience, if not damage. With regard to the Erie Canal, he said it was absolutely impossible now to deepen the canal an eighth of an inch with the present water supply, and if the deficiency of water goes on and the health of the people along the line is endangered the canal must be filled up or the people must move away. But in time there would be no Erie Canal if the water was to be cut off.

Mr. Coddington suggested the necessity for some restriction upon tourists who cause dangerous fires.

Mr. Jesup said that that danger was provided against by the authorities controlling the Yosemite valley. He did not see why the State of New York should not take up the same question. It was necessary that some one should take up the subject in the Legislature.

"Yes," added Mr. Smith, "we should put it through as the plan for the preservation of Niagara was put through. We should ask the Governor to call attention to it in his message."

Finally, after further discussion the committee passed a resolution asking the Governor, on behalf of the Chamber of Commerce, to notice the subject in his message. Another resolution was passed requesting Prof. Sargent to put his views in writing, so that they might be more widely circulated.

The committee will meet again next Monday.

AMUSEMENTS.

"Don Giovanni" at the New Opera House.

"Don Giovanni" was again repeated at the Metropolitan Opera House last evening. This opera seems to have found favor with the public, owing to its intrinsic beauty and to the general excellence of the performance. The audience was one of the largest that has so far been seen at this opera house, and the performance was received with great interest and enthusiasm. The cast gained greatly in strength by the substitution of Signor Campanini for Signor Stagno in the tenor rôle. The former could sing the part which the latter had failed to do to the satisfaction of the public. All the concerted music in which *Don Ottavio* has part felt the influence of this beneficial change. Other than to record this improvement and the general increased smoothness of the representation through repetition and more thorough rehearsal, there is not much to be added to what has already been said on the occasions when the opera has already been presented by this company. "Don Giovanni" is a work which seems to tempt the ambition of nearly every operatic manager, but very few of them have had companies large enough and of sufficient capacity to furnish adequate representatives for all the parts. Even Garcia, with the little company with which he laid the foundations of Italian opera in this country in 1825, hastened to bring out "Don Giovanni" among the first works that he produced. As his first and second violins numbered only seven, the orchestral parts at least must have been very inefficient. And yet there was the incomparable Malibran to take the character of *Zerlina*, and Angrisani, who, if tradition is to be credited, was a better basso than any basso we have on the stage in New York at present, for the part of the *Don*. Probably the opera was first given in its entirety to Da Ponte, the author of the libretto, who at that time was the professor of Italian language and literature at Columbia College.

From that day to this a long line of renowned artists have illustrated the different characters of this opera here. Among them all it is safe to say that no such complete representative of the part of *Elvira* has ever been heard as Mme. Christine Nilsson. Certainly, in looking back over many years of Italian opera, we can recall none to compare for a moment with her in this role. The same cannot be said of all of the other persons in this distribution, for the *Donna Anna*, *Zerlina*, *Leporello*, and the *Don*, have all from time to time been filled by artists of the highest talent. This may be said without detriment to the really admirable *Zerlina* of Minnie Hauk and the fine dramatic impersonation of *Donna Anna* by Mme. Fursch-Madi.

Indeed, however, as a whole, and taking into account the large orchestra and chorus and the good scenic effects, the present representation holds its own with most of its predecessors.

The Second Brooklyn Philharmonic Matinee.

The large attendance at the second Brooklyn Philharmonic matinée yesterday proved conclusively that these entertainments, novel to Brooklyn, have already achieved a striking success. It could hardly be otherwise. The orchestra is the same as at the regular concerts, and is conducted by Theodore Thomas, who, with his usual discrimination, suits the programmes to the occasion.

These matinées are popular, but not trashy. Local captious Philistines might take exception to the Strauss waltzes, which are included in the general scheme, but no true musician would, for a good waltz has a distinct aesthetic value. For instance, through Joseph Strauss's "Village Swallows" there runs a vein of romance, which gives the composition a peculiar charm, especially when it is played, as it was yesterday, with a broad, sonorous sweep.

Among the other selections performed at this matinée were the piquant variations from Haydn's "Surprise Symphony," the delightfully diversified ballet music from Rubinstein's "Feramors," Gounod's "Ave Maria," all the violins playing the melody in perfect unison, and the introduction to the third act of "Lohengrin," with the "Bridal Chorus" and march. The last was happily placed at the end of the programme; for these three numbers surpassed in splendor of orchestration, power, and beauty of sentiment all else that preceded. The contrast between the vigor of the introduction and the march and the grace of the "Bridal Chorus" showed better than words can tell the supremacy of the immortal master.

Mario, the Tenor.

Mario, the famous tenor, who died in Rome on Tuesday, was 75 years old. He was born in Sardinia, his father being the Marquis of Candia. He was educated in the Military Academy of Turin. Becoming involved in the Young Italy party, he suddenly retired from the army, and fled to France, and thence to England. He then began to study for the musical stage, and his first appearance was in Paris as *Robert le Diable*. He made a great hit, and assumed the stage name of Mario. The next season he appeared in London, and after that in St. Petersburg. He never would sing in Italy. He married Giulia Grisi, and they had several children. He visited the United States in 1854, making his first appearance in Castle Garden. His visit was a great success. In 1872 he again visited this country, but his powers were waning, and his tour was unsuccessful. He met with other reverses, and retired to Rome, where he was enabled to live comfortably upon an annuity of about $1,500, which had been purchased for him. In his prime Mario was considered to be the greatest tenor in the world.

A Man in Dr. Talmage's Parlor.

As a daughter of the Rev. Dr. Talmage was seated at the piano in the parlor of his residence, 1 Oxford place, Brooklyn, on Sunday evening, she heard a rustling sound behind her and, glancing partly around, she saw a man.

"I got up quickly," she said, "as if I had not noticed anything, and when I looked around again the man had gone behind the thick curtain in the bay window looking out on DeKalb avenue. He was concealed by the curtain with the exception of his face. I saw that distinctly, but I don't think I could recognize it again. I was frightened, but I didn't show it. I left the room slowly, but I hurried down stairs and told my father. When we returned to the room the gas had been turned down and the man had disappeared. How he left the house we could not tell, as the front door was not opened. He may have followed me down stairs and got out through the front basement. It is also a mystery how he got in the house, as the doors and windows were all closed. It is possible he may have come from the roof. He did not take anything with him."

Japanese Fish in Fulton Market.

Capt. Jones of the tramp steamship Cambridgeshire, from Japan, brought to Fish Commissioner E. G. Blackford, in Fulton Market yesterday, the most valuable collection of live fish ever imported. They are the Japanese king salmon, which are bred in private fishponds in a way Occidental nations do not understand. The largest is about 5 inches long, and half of it is a broad three-pointed silky tail, which waves like a banner as the king-fish travels around or backs water. It is pink. There are three varieties—one with ordinary eyes, one with eyes like a bullfrog, but more prominent, and the other is the color of a silver fish. Capt. Jones brought a big basket of Japanese biscuit, of milk, eggs, and the finest butter, to feed the fish on, as that has been their diet. Mr. Blackford says they must come down to plain Yankee crackers. Only two of these fish have been brought to America, he says, and they were sold to the New York Aquarium at Thirty-fifth street and Broadway several years ago for $600 for the pair. The collection numbers 75, and Mr. Blackford values each at $100.

Two Women Set Out to Smash Tall Hats.

Two well-dressed young women who called themselves Lizzie Fonda and Laura Watson, both slightly tipsy, started up Sixth avenue from Fourteenth street yesterday morning to smash every high hat they came across. They pushed against every man who wore a beaver hat, and succeeded in demolishing a great deal of head gear. Some men laughed at the destruction of their crushy hats, but others were angered. The young women were arrested, and Justice Smith fined each $10 for disorderly conduct. One of the women sent a diamond ring to a pawnshop, and thus got money to pay the fines.

Mrs. Wishman's Affections Alienated?

Frederick R. Wishman, a sea captain, has sued Arnold Proehl, a manufacturer of nautical instruments, 62 Sixth street, for $30,000, for having alienated the affections of his wife. The couple were married three years ago. It is alleged that while the captain was at sea Mrs. Wishman lived with Proehl, who is a widower. A decree of absolute divorce was obtained against her last week in Brooklyn.

Miss Wotherstoon's Suicide at Tarrytown.

Miss Isabella Wotherstoon, 45 years of age, who was living with relatives in Tarrytown, ate breakfast with the family yesterday as usual. Shortly afterward she went to her bedroom and shot herself, the ball entering the heart.

Home Journal Out To-day.

With all the receptions, dinners, teas, &c., of the week. Sold everywhere, 5 cents; yearly, $2. Morris Phillips & Co., 3 Park place, New York.—Adv.

Laughter and Instruction.

Dr. Colton offers an evening of rare amusement at the Cooper Institute this evening. Tickets 25c.—Adv.

SWEARING TO MANY KISSES.

A SIDE ISSUE IN THE UNIQUE FLATBUSH WEDDING TRIAL.

One Tenth After Another Testifying to the Amount of Kissing he has Done—Annie Higbie Not the Only One that was Caressed.

The Higbie-Vaughan mock marriage case went on all night, and the parties to it did not reach their homes until the early hours of the morning. The testimony forms a chapter on kissing. The Flatbush boys followed one another upon the stand, and they and the lawyers fairly revelled in the details of promiscuous osculation. The testimony was a long series of smacks. Annie Higbie was kissed most frequently, but she was at times lost sight of, and the youngsters made as free with the doings of other Methodist misses as the law permitted them to do with the reputation of the brown-eyed plaintiff. The farmers drove away one or two at a time, the tipplers began to yield to the superior attractions of the barroom next door, the elderly women dozed, the stage driver, who was to take all the boys and girls to Flatbush in one stage, fretted and fumed at the delay, and the Judge looked from the lawyers to the clock and back again.

Still the tales of hammocks and of caressing rolled in upon Mr. J. H. Beatty, the stenographer, who filled two and a half thick books with them.

Hours went by, and the reporters thinned down from a dozen to two, the dowagers slept sweetly, the ancient policemen yawned, the barroom became a thick brown cube of tobacco smoke, the Judge gave up his task of watching the clock, and the whole town of New Utrecht, except the court officers, put out its lights and pulled up its bedclothes and fell asleep. Still the Methodist boys went on with their confessions, and the Methodist girls grew straighter and more rigid in their seats. Their eyes flashed as they exchanged glances, and the stage driver grew pale as he thought of the task before him of taking both sides of the question several miles together in one vehicle.

Walter Vaughan, the defendant, distanced all the others, and was sworn by the girls to be the general beau. Mr. Leggett tried to get him to admit that the grave charge Miss Annie Higbie made against him was true. He absolutely denied it. Mr. Leggett brought out the fact that on every night except one Walter went with a companion to visit Annie. On the night he went alone she swears that they entered upon a new relationship. He said that the reason he went alone was that he found no one to go with him, yet he wrote days beforehand that he was coming, and therefore arranged with her without arranging with his boy companions. He gave no satisfactory explanation of this. Mr. Leggett questioned him at great length:

Q.—When did you see any young men put their arms around Annie in the hammock? A.—I have seen Ed Berry kiss her, and I have seen her kissed by Neefus, Snyder, and Charley Aresen. It was one of the Sunday nights that I saw Berry kiss her. I don't know which night. I have seen her and Berry sitting in the hammock. I saw her attempting to put his arms around her. Ed Berry's attempting to put his arms around her and slapping his face. I don't remember her slapping Neefus's face. Neither Neefus nor any one got my permission to put his arms around her.

Q.—Have you ever written to Gertie Bennett? A.—Yes; once or two letters in five or six years. I have written to Miss Bennett since Miss Higbie's complaint. Wrote several letters to Miss Houtman—a great many during the spring of 1882. He had written to Annie that he could not write to young ladies. I don't remember the contents of Annie's letters—not of any of those I received. I carried them in a while and then tore them up.

As to the noted interview with Annie and her mother, after Annie had claimed him as her husband and he had written to her that death was preferable to such a girl for a wife, he said:

Mrs. Higbie asked me to call.

Q.—Did your mother tell you she had introduced Annie as your wife? A.—I did not.

Q.—Did you not state that you brought her up to Mr. Case and Mr. Schenck and said to them that Annie claimed you as her husband, and introduced her to Mr. Schenck as your wife? A.—I positively deny it.

Q.—Did you ask Mrs. Higbie if she was going to take this thing lying down? A.—I did. Mr. Schenck advised us to go and have separation papers drawn up. Annie said she considered it a joke—thought we did along—and laughed at it. Annie said that when he told her it was a legal marriage, she said she knew it was none in fun. Mrs. Higbie said, "Oh, of course it was done in fun, but you don't realize the seriousness of this thing. You're young and inexperienced."

Q.—You have not laid in a barroom with Miss Houtman? A.—I don't know. I might have.

Q.—Do you remember? A.—Not in her house. I don't think I have with Miss Houtman, but I won't be positive. I have danced at my house to the piano. The girls danced with each other. Miss Houtman was one.

Q.—Did you ever hug and kiss Miss Bennett? A.—Yes.

Q.—If Miss Bennett and others should go upon the stand and swear you did not hug and kiss them, it would be true, would it? A.—Yes, sir; I did.

Charles Aresen, the next excessively frank witness, is the 19-year-old mock clergyman who wedded Miss Higbie and Walter Vaughan at Mr. Case's sociable. He used to be a boy in Pelton & Poucher's law office, but is now a clerk in a Broad street brokers' office. He lives at 324 Livingston street, Brooklyn, but belongs to the Flatbush kissing coterie. He first met Annie at an oyster supper. He belonged also to the elocution class which Annie once attended. This is part of his testimony:

I was present at Mr. Case's sociable. There were some recitations and entertainments. Afterward we went out and had refreshments, and then we adjourned to the lawn and began to knock the croquet balls around. This was as late as 11 o'clock. It was moonlight. We took lanterns. Then some one proposed mock marriages. I didn't hear who proposed it. Then I performed the ceremony for Miss Annie and Walter Vaughan. They asked me to, saying they wanted to get married, and I said "Certainly." I just turned around and said, "I pronounce you man and wife." I may have said something about the foolish, but I don't remember the words. Then I turned around and married Annie to Frank Hodgins. I was married to Miss Nowlem. Frank Neefus was married also.

Q.—Were you not married to more than one? A.—No, sir; I was only married once. Frank Hodgins was married to Gertie Bennett and Walter married Gertie Bennett. I helped to take the brides on the wedding tour. I played horse on that occasion.

Q.—Did you kiss the brides at the ceremony performed, the words of which Annie has stated were used by you? A.—I never heard it at all.

Q.—After having heard me repeat it half a dozen times to night could you not repeat it yourself? A.—Not my life, because I don't know it. Yes, sir, I have called at Munday's house.

Q.—Do you see hammocks there? A.—Yes, sir.

Q.—Did you go and swing in them? A.—Yes, sir, many times. Generally with Neefus and Ed Berry.

Q.—Do you see hammocks in the house? A.—Generally Miss Annie and Miss Munday. Yes, sir. I have taken Miss Annie out walking more than once.

Q.—Ever kiss her? A.—Yes, sir. I have.

Q.—After July 18? A.—Yes, sir, more than once, and on more than one occasion.

Q.—Did she kiss you back? A.—Well, when you kiss a girl it is a sort of a mutual arrangement, and I—

Q.—This occurred every time you went there? A.—Yes, sir.

Q.—Did you had your arms around her waist? A.—Yes, sir, very often.

Q.—Did she ever speak to you about Walter being her husband? A.—No, sir; she never mentioned it to me.

Q.—Did you not call Miss Gertie Bennett your wife? A.—I have called her that myself, but I don't know that I ever did to her face.

In testifying about the interview with Annie's mother the witness said her girl's wedding with the boy Walter the witness said:

The old lady told about a case of the kind in New York in 1880. Annie said she always thought the ceremony was in fun. Her mother said she was young and inexperienced and wanted her to be happy. Mr. Vaughan, you know this is very wrong. We have the evidence here that makes this a binding and legal marriage just as much as any marriage certificate in the stairs. It's just as legal as my marriage to Mr. Higbie." She went on to say that Walter, being a minor, she could not sue him. She would, of course, have to sue his father. I said she couldn't. Annie didn't have much to say. She was sending—some nonsense. Nothing. She said she hoped this little trouble would not break any friendship. She only wanted to get her daughter right before the public. She advised Walter to have separation papers drawn up. Mr. Lawyer. She refused to give Walter the name of her lawyer. Walter said he would tell his father next day. She said that was not necessary; it might make his father angry. Walter said he did not care; he had made up his mind. Before we left she invited us to the Halloween party.

On cross-examination he said he kissed Annie in the presence of Walter and Ed Berry on the 23d of July. The second time he met Miss Annie and Miss Munday on Clarkson street and kissed Annie at the gate. The next time was in the hammock at Miss Munday's. There were four in the hammock—Berry and Miss Munday and Miss Higbie and himself.

Q.—This kissing did not make any impression on your mind? A.—It did not make any impression on my lips. I never kissed any girl that it made any impression on my mind.

There was more about kissing. Then Edgar H. Berry of Livingston street, Brooklyn, gave his version of the mock marriage at Mr. Case's. He did not know who proposed it. "I was not married to any one that night," said he. "I took my young lady's arm and said, 'I'll call you my wife.' That was Miss Ella Mowlem. I married no one else, only her, and then I jumped over the fence. I only saw the latter part of Walter's marriage—the wind-up. I saw Annie married to Frank. He said afterwards he married Walter to Gertie Bennett. I did not hear the ceremony testified to by Annie. I took my girl on a wedding tour in the wagon. I shoved on the tail part of the wagon." This witness added to the accounts of the conversation at the visit to Annie's mother:

Mrs. Higbie remarked: "Walter, we have you in a box and you know it, and the easiest way to get out of the box is the best way, and there's only one way to get out and that is to have separation papers drawn up." As she had stated something to me of the same kind before, I was not surprised. Walter said he did not care to have her for his wife, and then the mother asked if she wasn't good enough, and she then remarked that whoever got her daughter got a prize. He said he wasn't looking for such a prize. After some discussion, during which he got nettled, he said that he did not want young men coming up there. He interrupted her.

This witness told in a matter-of-fact way of having kissed Annie, of having sat in the hammock with her, and of having hugged her. This was all on one evening, he said, and "Annie Munday was there, and we took turns at the kissing."

"Are you not known in Flatbush by the name of the Cupid?" Lawyer Leggett inquired.

The witness has an imperfection in his speech. He stammers. He stammers, and his mouth move together when he attempts to talk. The odd question, and his indignant effort to say "No, sir," provoked a roar of laughter. He denied that Annie slapped his face when he tried to kiss her.

Mr. Frank Hodgins was the next caresser sworn. He did not care to kiss Annie the first time he met her, he said. The next time he met her was at Berry's. He kissed her there. The next time was at Mowlem's. He took her home, and kissed her on the way.

"I put my arms around her, said he, "because I thought I'd get a better impression on the kiss."

There was more about kissing on the cross-examination, and the row was put off until Saturday afternoon.

IN THE BURR WILL CASE.

Judge Macomber Holds that the Charitable Bequests are Valid Excepting Two.

Judge Macomber, in Supreme Court, Special Term, yesterday, gave a decision in the suit of John H. Riker, as executor, against the Society of the New York Hospital, and others, brought for the construction of the wills of Margaret Burr and Mary Burr, and for the distribution of the estate under these wills.

In 1862, three sisters, Margaret, Mary, and Sarah Burr, were the owners in equal proportions of the Burr estate, amounting to several millions of dollars, which they had derived from their father. Margaret, who died on Sept. 24, 1862, gave the bulk of her property, by will, to a large number of charitable, religious, and missionary associations, the legacies being made payable within four years from the death of the survivor of the sisters. Mary, who died on July 8, 1865, devised her estate, after the death of her sister, to her executors, the greater portion to be distributed, as in the case of her sister, among charitable and religious societies. These legacies, by a codicil, were directed to be paid within two years from the death of her sister Sarah. Sarah, the surviving sister, died on March 1, 1882, and a contest as to her will is still undetermined in the Surrogate's Court.

The controversy in this action was principally between the next of kin of the testatrices and of their sister, Sarah Burr, on one side, and the several charitable, religious, and missionary corporations on the other. The next of kin claimed that the wills of Margaret and Mary were void under the statute against perpetuities in that they suspended the power of alienation for more than two lives in being. Judge Macomber holds that the discretion vested in the executors to delay the payment of the legacies for four years in one case and two years in another was not in contravention of the statute. In his opinion Judge Macomber reviews at length a number of authorities, and says: "Under these decisions there was not in the case of either of these wills a moment of time when the executors did not have it in their power, acting in accordance with the provisions of the will, to sell and dispose of the real estate and convey a perfect title thereto. The mere fact that they did not sell is of no consequence in my judgment."

Judge Macomber holds that all the charitable bequests are valid except those to the Children's Aid Society and the Lake's Hospital. These were the only corporations organized under the act of 1848 for the formation of charitable and religious societies, and the bequests to them are held to be void because made within two months of the death of the testator.

SIXTY PRINTERS LOCKED OUT.

The Union Men on the Tribune Ordered Out and Some New Hands Taken On.

Engineer Barnes of the *Tribune* building went up into the composing rooms at 5 o'clock yesterday afternoon and told the printers, who still had their hats and coats on, that their services were no longer wanted, and that they must leave the building at once. To facilitate their departure, the elevators on Nassau street as well as those on Spruce street were put in use. A number of policemen in citizens' dress, from Oak street, were marched in. Sixty-one printers formed in a cluster afterward on the street. President O'Donnell of Typographical Union No. 6, and Harry Cole, a printer on the *Tribune*, sent their cards to Mr. Whitelaw Reid, but they were returned with the word that Mr. Reid was not in.

At about 7 o'clock a truck loaded with mattresses and pillows was driven up to the *Tribune* office and unloaded. Mr. Barnes said that the bedding was for the printers who had come to the office from out of town.

Mr. Harry Cole said: For two weeks the printers at work on the *Tribune* have been informed that their printers' union in Baltimore and Philadelphia were being enlisted to work in their places. Thursday night was the time set for the lockout. We were in doubt whether to go to work or not to-night, when the engineer stepped in and ordered us to leave. Seven printers from Philadelphia arrived after we had gone." Hugh McKimming of 139 Lawrence street, Brooklyn, said: "W. F. G. Shanks of the *Tribune* came to my house yesterday afternoon and said that there was to be a lockout, and that Mr. Reid expected that the thirty men who had struck work in the month ago would remain in this time. He had a circular letter with him from Mr. Reid promising life positions on the paper to the thirty men." I refused the offer, as did my two brothers." Mr. Bowers, the city editor, said that the trouble arose from the fact that Mr. Reid had discharged four printers, and all the other printers took umbrage at the act. He thought that about three-fourths of the printers went out. He said he was sure the publication of the newspaper would not be interrupted.

The printers who are locked out say that only three of the old hands now remain at work. The new men are from Baltimore, Philadelphia, and Utica. They are to be lodged, fed, and shaved in the *Tribune* building for one week. They add that the printer Mr. Shanks took to certain of the old hands offered $25 a week for life to seven or eight men. It was submitted to the union, and the men were advised not to accept its terms. It is further said that the *Tribune* was to give thirty days' notice of dissatisfaction, but instead of giving notice to the union men, and that only three days ago it was announced that there was no such dissatisfaction.

A Prize Fight in England.

William Goode (a brother to Jim Goode, who is now in this country) and Dick Roberts fought a match on Nov. 19 for endurance, according to the Marquis of Queensberry rules, for $250 in a private hall, in the suburbs of London, England. They were at it for 33 minutes and 22 seconds, fighting nine rounds, when the cry of police caused the putting out of the lights. It was decided to finish the contest on the evening of Nov. 27, in London. Goode was under the membership of his father and William Roberts, the challenger, and Roberts was attended by Punch Cullow and an old pugilist.

Roberts seemingly had all the best of it in the first four rounds, using his left hand very dexterously, and getting in some clean upper cuts which caused his friends present to wager £5 to £4 on Roberts. From the fourth to the eighteenth round the tables began to turn, and Goode began to get in his left on Roberts's stomach, almost doubling him up. After this round Goode had the battle all his own way, drawing blood from his opponent's nose, and finally knocking him down just as "Time" was called.

In the twenty first and last round Roberts obeyed the call, but presented a battered and pitiable appearance. Goode had a slight cut over his left eye, but came out without being able to return it in an effective manner, and finally stopped altogether, and his seconds threw up the sponge, after fighting 1 hour 22 minutes and 50 seconds, making one of the most scientific set-to ever witnessed.

SPORTING NOTES.

Hanlan has joined Maidoon in statuesque posings on the stage of the California Theatre.

A colored base ball team has been organized in Louisville to contend for the championship next season.

John Greenway of Australia is credited with winning a race of 150 yards, standing start, in fifteen seconds.

James Robinson, professional athlete, has been engaged as trainer at Princeton College for next year.

A wrestling match for the collar and elbow championship will be decided on Friday at Boston between H. M. Dufur and John McMahon.

George Taylor, the colored light-weight athlete and boxer, is to have a benefit at Harry Hill's this afternoon. The winning of his belt will be decided by Jimmy Murray.

Jack Boylen, who fought John Dempsey not long ago, says he is ready to meet Jim Barry and arrange a match to be fought according to London rules for any reasonable purse.

Joe Acton challenges any man in the world to wrestle catch-as-catch-can, catch weight, for from $250 to $500 a side, the match to take place within six weeks from signing articles.

L. E. Myers will endeavor to run three quarters of a mile while F. P. Murray walks half a mile for a gold medal offered by the Thirteenth Regiment of Brooklyn. The match will take place Jan. 22.

Football games in Lancashire have been made extra lively recently by assaulting referees. A committee recommends that clubs should arrange for the protection of visiting teams, umpires, and referees.

The Clipper announces that Peter Golden can be matched to run against any amateur in America for the fifty miles championship, and a trophy valued at $50 or $100. Golden prefers Gassman, Delaney, or Saunders.

The usual premature announcements of sprinters intending to visit England next summer are being made. Myers will not go, and minor runners will probably take the route from Williamsburgh to the Manhattan grounds.

Jimmy Murray, in reply to Denny Costigan's challenge, says: "I am willing to meet Costigan for the stake, to fight to a finish, according to the Marquis of Queensberry rules, and let him weigh as much as he pleases, or I will meet him under the London prize ring rules, and give him 5 pounds, and will myself weigh 139 pounds. If he means business let him accept either of these conditions."

The action of Carter's Little Little Pills is pleasant, mild, and natural. They gently stimulate the liver and regulate the bowels, but do not purge.—Adv.

MARINE INTELLIGENCE.

MINIATURE ALMANAC—THIS DAY

Sun rises ... 7 16 | Sun sets ... 4 33 | Moon sets ... 6 19

HIGH WATER—THIS DAY

Sandy Hook, 6 40; Gov. Island, 7 20; Hell Gate ... 9 10

Arrived—WEDNESDAY, Dec. 12.

Ss Elbe, Griffiths, London Nov. 28.
Ss Lakeland, Collier, Rio Janeiro.
Ss Highbinder, Walker, Liverpool Dec. 1, and Queenstown 2d.
Ss Alice, Hughes, Port au Prince Nov. 28.
Ss Procida, Burgess, Santos Nov. 14.
Ss Dunira, Irwin, Santos Nov. 1.
Ss Breakwater, Jenny, Lisbon.
Ss Lake Superior, Brown, Liverpool Dec. 1.
Ss Amelbert, Remington, St. Jago.
Ss Somerset, James, Swansea Nov. 20.
Ss Chalmette, Reed, New Orleans.
Ss Straits-Yen, Parsons, Yokohama Sept. 26.
Ss Barracouta, Evans, Demerara Dec. 1.
Ss Desdemona, Bacon, Cadenitia.
Ss Africa, Scidmore, Antwerp.

ARRIVED OUT

Ss England, from New York, off Kinsale.
Ss Bremen, from Galveston, at Liverpool.
Ss Switzerland, from New York, passed Scilly Tuesday evening.
Ss Zealand, from Philadelphia, has passed Lizard Point.
Ss Alexandria, from Boston, at Naples.
Ss Bolivia, from New York, at Glasgow.
Ss Mercidas, from New Orleans, off Cronkhaven.
Ss Ptolemy, from New York, at Liverpool.
Ss Switzerland, from New York, off the Isle of Wight.

SAILED FROM HIS PORTS

Ss Baltic, from Queenstown for New York.

CONROY CALLED INSANE

BY TWO PHYSICIANS PRESENTED AS EXPERTS BY THE DEFENCE.

Hypothetical Questions that Took Fifteen Minutes in the Asking—Drunkenness that Makes Men Insane and Not Responsible.

When ex-Policeman William Conroy came from the prisoners' box yesterday at the resumption of his trial, in the General Sessions, for the killing of Peter Keenan in Cody's saloon, at 322 East Thirty-sixth street, on the night of Nov. 3, he walked with a peculiarly jaunty step. It was not assumed for the moment, but is natural. He has the development and carriage of a trained athlete. As on the previous days of his trial, he seated himself at the bar, without a word even to his counsel, and did not speak to any one during the day. Medical men were called in support of the defence of insanity. Dr. J. C. Hannon testified:

Q.—Are not a sunstroke, a fall, and injuries to the head exciting causes of insanity in very many instances? A.—They are, sir.

Q.—Is not an hereditary taint of insanity a strong predisposing cause? A.—It is, very strong.

Q.—Is not insanity brought on by the use of alcohol? A.—True, in the four forms of acute and chronic mania, dipsomania, and delirium tremens. I have had cases where persons became insane after a few weeks of indulgence in liquor. In these cases the patients had a naturally excitable disposition. After a few weeks of confinement they have recovered perfectly. Previous to their developing insanity there was no sign of drunkenness in their cases.

Q.—Assuming that Conroy did act in Cody's saloon as evidently as he is said to have done, and that he did shoot Keenan, as appears, without motive or justifiable cause, is that consistent or inconsistent with insanity? A.—Perfectly consistent with insanity. A man in the predisposition to insanity may suddenly encounter an exciting cause and become in an instant a raving maniac. Conroy's use of his club upon Keenan after he was prostrated by the fatal bullet was consistent with a lunatic's insane fury.

In cross-examination by Mr. Fellows, Dr. Hannon testified that on the night of the shooting Conroy was, in his opinion, suffering from acute alcoholic mania. Persons under the influence of this mania frequently displayed great violence, and exhibited much cunning before and after the outbreak.

Q.—Was not the liquor that Conroy drank that night the cause of that mania? A.—It was the immediate cause, but not the only cause. There were predisposing causes.

Q.—Have you not known men of violent instincts who, when angered—say by being called a coward—liar by some one that they had previously applied the term to, as Conroy was—have been capable of displaying the greatest fortitude? A.—I have.

Q.—Have you ever been in the South, Doctor? A.—Yes, sir.

Q.—Have you noticed the effect of calling a man a liar there? A.—I have.