DEEMING'S TRIAL BEGINS.

HIS LAWYER WITHDRAWS BECAUSE HE CANNOT GET A CONTINUANCE.

Homicidal Mania, it is Supposed, will be His Defence—Many Witnesses on the Stand—The Trial is Expected to Close To-day.

MELBOURNE, April 28.—The Judge of the Central Criminal Court gave his decision today on the application for a postponment of the case of F. B. Deeming, the murderer. The Judge decided that the trial must go on. Thereupon Mr. Lyle, solicitor for Deeming, withdrew from the case, and Mr. Forlonge, barrister, took charge of the defence, receiving instructions directly from Deeming. The latter looked pale and more hollow-cheeked than when placed in prison, but he kept up an appearance of coolness, and glanced around, almost with defiance, at the crowd that thronged the court room. The decision of the Judge refusing postponement was given upon hearing the testimony of the official medical inspector to the effect that Deeming was sane.

Counsel for the Government recited what the prosecution expected to prove. He said the prisoner was accused of the wilful murder of his wife, Emily Mather Deeming, at 57 Andrew street, Windsor, on or about last Christmas Day. The house had up to the discovery of the tragedy been vacant for some time. On March 3 a lady called to see the owner, Mr. Stamford, a butcher, with reference to the house, as she desired to rent it. Together they went at once to the house, and, as they were going through the rooms the lady detected a strong odor and called Mr. Stamford's attention to it. He passed it off, but his agent, Mr. Connop, subsequently finding it so fearful as to indicate that something must be wrong, traced the odor to a bedroom fireplace and sent for the police.

The police began their examination in the bedroom, removing the slate slab covering the fireplace. Under it, within a space of eighteen inches in length by two and a half feet in breadth, a body, literally buried in cement, was disclosed to view. To enable them to secure a view of the features of the victim it was necessary to use the pick to remove the cement, which adhered in concrete form to every portion of the body. It was then seen that the body was that of a woman, and, as far as could be judged from the decomposed and disfigured features, it was thought that the deceased person was about 35 years of age, rather under the medium height, and of slender proportions. The woman rested on her left side, her right hand across her breast, while the left hand clasped her throat. The body was doubled up. From investigations subsequently made it appeared that the poor creature had been struck behind by some heavy instrument, a fearful wound being still observable, while some injury, the precise character of which could not be understood, had been inflicted on the neck. The body had been built in with the brick work, which had first been taken down and then built up again. In so exact and workmanlike a manner was the whole thing performed that none but an expert workman could have carried out the project. It was noticeable that in the fireplaces of every room in the house letters and papers had been burned, with what object could not be conjectured. In the fireplace in the front room an empty bottle was found, and it is believed to have contained a chemical fluid of some sort. In a cupboard in the room where the body was unearthed a loaf of bread, already stale and moulded, was discovered.

The authorities had ascertained that the house was taken by a stranger a little while before Christmas—a man who has since been identified as the prisoner Deeming. He visited Mr. Stamford and expressed his willingness to pay the rent in advance. This was agreed to and he took possession of the house. Several days later he went to the agent, Mr. Connop, and said, "I won't take that house, after all, it's overrun with cockroaches. I will pay you another week's rent in advance, however, as it is about due, and you can take a week's notice."

Up to this time he had not taken any furniture into the house.

The Government would show that the prisoner said to Mr. Stamford, in explanation for not furnishing the house: "I am taking the house really before I want it, because I have no one to put in it yet. I am awaiting the arrival of a lady who is coming here as my housekeeper, so I shall not fetch my furniture from Sydney until she comes." On another occasion the prisoner told the clerk in the employ of the agent that it was his sister who was going to act as his housekeeper. Before the expiration of the second week, for which he had paid in advance, he went to the agent and paid for four weeks more in advance. He was reminded jokingly of the cockroaches, of which he had previously complained. "Oh, that is all right," he replied; "I think I can settle them. I will get something to kill them easily enough now I come to think of it." He had a further conversation, in which he said: "I ought to make a good tenant, because I am a practical man. You see, when anything goes wrong with the plaster or the fittings I, being an engineer, can easily put it right."

The counsel then recited how Deeming was traced to Western Australia, where he was living by the name of Swanston; how he was arrested there and articles were found in his possession which would be shown to have been the property of his wife, formerly Emily Mather of Rainhill, near Liverpool. The Government would have him identified by witnesses who knew him as Albert O. Williams, who married Emily Mather at Rainhill, and also various witnesses would testify to his being the person who hired and occupied the house at Windsor in which the murder was committed at the time it was committed, and who was the companion there of the woman whose murdered body had been discovered under the fireplace. It was noticed that Mr. Walsh, the prosecuting counsel, was careful throughout to abstain from direct reference to the Rainhill tragedy.

Mr. Stamford, the owner of the house, testified that a man who gave the name of Drouin took the house for a week on Dec. 16, and afterward renewed his tenancy through an agent for a further period of six weeks. On the 3d of March the witness was showing a lady through the house when he observed a very disagreeable smell in one of the rooms. On making an examination his attention was directed to the hearthstone, which seemed slightly raised. Having sent for his agent he had the stone lifted, and discovered the body of the deceased woman embedded in cement underneath. He had been over the house before the day in question, but had noticed nothing wrong. The dwelling was a detached five-room cottage, and it had not been necessary for some time to make any repairs. The witness identified Deeming as Drouin.

Connop, the agent, testified to letting the house and the discovery of the crime. The witness went to the house with Mr. Stamford. He noticed a terrible smell in the bedroom, and the police having been summoned, the hearth-tone was taken up with the result already known. He identified the prisoner as Drouin, remarking that he had since grown thinner and removed his moustache.

Police Sergeant Lynch swore to discovering the body of the deceased woman dressed in cement and lying in a hole beneath the hearthstone measuring two feet six inches by one foot six inches, and two feet six inches in depth.

Mr. Oakes, who was a passenger with the prisoner and his wife on board the Kaiser Wilhelm II. during the outward voyage in December last, said he had identified the body as that of "Mrs. Williams." He had also recognized a canary and cage which formed a part of the property which the deceased woman had on board the vessel. Williams seemed very kind and affectionate to his wife during the voyage. He identified the prisoner as the man he had known as the husband of the deceased woman. He saw him after landing on the 6th of January. They met in Bourke street, Melbourne, and had a glass of ale together. On his asking him where his wife was the prisoner replied that she had gone to Sydney on a visit.

Mr. Hirschfeldt, who also made the outward voyage to Melbourne on board the Kaiser Wilhelm II., swore that he was perfectly sure the body was that of Mrs. Williams. He also identified the prisoner. A number of rings were handed to the witness, and he recognized them as the ones he had seen the deceased woman wearing.

Evan Williams, a policeman from western Australia, gave evidence as to the prisoner's arrest at Southern Cross March 11. He said that he placed his hands on the prisoner's shoulders and said to him: "I arrest you for the murder of Emily Williams at Windsor." Swanston replied:

"I don't know anything about it; I never was at Windsor to my knowledge. I am innocent."

He afterward asked: "How did you come to pick on me, an innocent man?" Witness replied: "I don't know; innocent men are sometimes arrested." Swanston rejoined: "Yes, many an innocent man is hanged these days."

Williams then related how he had brought the prisoner and his luggage to Perth on March 12 and subsequently journeyed with him to Albany and thence to Melbourne. At Albany, he said, the prisoner was placed in the lockup in the charge of two constables. During the night he contrived to remove his moustache. No one could explain how.

Detective Cawsey testified to finding the body, and to having discovered a number of torn labels in the house at Windsor, which had evidently been removed from boxes. He had also found in these a label which had been removed from a bottle that had contained laudanum, in other rooms of the house the remains of burned papers and other débris were found, including a portion of a Liverpool newspaper and scraps of letters. Detective Cawsey described how dresses which were found among the prisoner's luggage had been ripped to pieces, and enumerated the other articles which his boxes contained. There was a card of membership of the Rainhill Band of Hope, bearing Emily Mather's name; the certificate of her marriage with Williams; photographs of the deceased woman and of a house, on the back of one being the name of F. B. Deeming in the prisoner's handwriting. There were photographs of other people taken in Liverpool, and a little book, in which were written the words, "To dear Emily, with love;" a spirit flask, with the letters F. B. D. engraved upon it; a prayer book bearing the inscription "Emily, from George, 1887;" other articles bearing the initials of the deceased woman, and a sovereign case bearing Deeming's initials. There were also two gold brooches and a silver one, a memoriam card of John Mather, two diamond rings, and a wedding ring.

Other witnesses were called to prove the identity of the prisoner and of the deceased person with the man and woman who came on the Kaiser Wilhelm II. and occupied the house at Windsor.

Mary Woods, the wife of an ironmonger, testified that on the 17th of December a man came to her husband's shop and bought a zinc pan, a broom, a spade, a trowel, a barrel of cement, and a quantity of sand. He ordered them to be sent to 57 Andrews street, Windsor. Next day, the 18th, the purchaser called again and was very indignant because the goods had not been delivered. Her husband then took them in a cart to the address which had been given. The customer went with him, remarking that he wanted to lay down asphalt in his yard. This witness was unable to swear that the prisoner was the man who bought the goods, explaining that the latter had a moustache.

John Woods, husband of the last witness, testified that he had no doubt that the prisoner was the man who purchased the tools and cement. When he arrived with the customer at the house on Andrews street the witness asked, "Where are the bricklayers whom you told me were waiting to commence operations?" He added that he did not think the yard wanted any cementing. To this the prisoner replied, "I don't want to cement the yard; I am going to reset a copper." Witness rejoined, "The man who told you to set a copper in cement is a fool." The prisoner then took witness into the front room and asked him if he did any gasfitting, as he wanted new chandeliers, and expected his sister from Sydney on the following Tuesday.

Mr. McNaughton, butcher, testified that he sleft at 59 Andrew street on Dec. 24, 25, and 26, occupying the room in the house which was nearest to the scene of the murder. On the morning of the 26th or 27th, about daybreak, he heard a violent knocking similar to that which would be made by a plumber at work. It sounded as if some one was driving a hole through the wall, and continued for about three hours.

Jeannette Spedding, another neighbor, told of having seen the prisoner in the garden of No. 57 with a bucket and trowel, and to have subsequently heard a noise like bricklaying inside.

Mrs. Louisa Atkinston, a widow, residing near Andrew street, Windsor, testified that one evening in December, about the 23d or 24th, she heard the sound of two persons quarrelling at night. The voices sounded like those of a man and a woman, and she heard another noise like something heavy being thrown.

A curious feature in the court room was the presence of the canary bird which had belonged to the murdered Emily Mather Deeming, and which the prisoner had taken with him after the murder. By means of this canary bird and its cage the prisoner had been traced from place to place, and it had thus been largely instrumental in bringing him to justice.

Maria Thompson, the landlady of the Cathedral Hotel, Swanston street, Melbourne, testified that the prisoner engaged a room there on Dec. 20 under the name of Duncan, and slept there eight nights. He returned on Dec. 31, and again occupied a room in the hotel until Jan. 10. When he came the second time he brought with him a quantity of luggage, including the cage and the canary.

Lucy Holgate, daughter of a hotel keeper at Sale, the chief town in the Gippsland district, gave evidence as to the prisoner staying at that hotel on Dec. 29, under the name of Dobson. He said that he was a tramway engineer. Among his luggage was a brass cage containing a canary. The trial will probably be concluded to-morrow.

The Melbourne *Standard* says this morning positively that Deeming has confessed to having committed the greater number of the murders in London attributed to Jack the Ripper. The general impression in Melbourne is that Deeming is claiming to have committed these crimes with the view of establishing a defence of homicidal mania.

LONDON, April 28.—The Scotland Yard authorities, in view of the Melbourne *Standard* story of this morning, again assert positively that it is impossible for Deeming to have committed the Ripper murders.

A correspondent had an interview this evening with Albert and Alfred Deeming as to the allegations that their brother showed signs of insanity in his boyhood and that insanity had been common in the Deeming family. Both indignantly denied that any member of the family had ever been in an asylum. Albert Deeming said:

"The story that our brother was even queer in his youth is bosh and nonsense. He was never called 'Mad Fred;' that is a mere fabrication to suit the present emergency. It is ridiculous to slander our father and mother by saying that they were regarded even as eccentric. If necessary, I could produce dozens of affidavits from persons who formerly knew them to the effect that they were exceptionally intelligent and sagacious until their deaths."

Alfred Deeming said: "Our brother was not even especially tricky or mischievous. He was a commonplace boy, and all this talk about instinctive insanity is due to the efforts of his counsel to get him released. The whole story is imaginary, and we wish people to understand that we do not countenance it."

MESSAGES FROM THE SPIRIT WORLD.

Mrs. Williams Tells About Them in the Livingston Will Contest.

The contest over the will of William A. Livingston of Newark, which created considerable comment four years ago, again came up yesterday in the Chancery Court in that city. By his will Mr. Livingston left his entire estate in trust to his daughter, Lillian Belle, his only child, who is now 12 years old. Her maternal grandmother, Mrs. Marie Cecil Williams, was made trustee, with the provision that her son, William Pierre Williams, should act in case of her death before Lillian was 25 years old. Should Mrs. Williams be alive when Lillian attained this age, Lillian was to give a bond to secure her support during the rest of her life, and should both Lillian and Mrs. Williams die before that time, the property was to go to W. P. Williams.

Mrs. Margaret L. Middleditch, a sister of Livingston, filed a caveat against the will, contending that her brother was not in a fit condition of mind to dispose of his property, and alleging that he used morphine excessively and was a Spiritualist. The Orphans' Court sustained the will, and the case was taken to the Prerogative Court and to the Court of Errors and Appeals.

The case is still undecided, and additional testimony was taken yesterday. Mrs. Williams said that when Livingston made his will he told her about it, and said that Dr. William M. Kemp of this city was a witness. He asked her to promise him that in case he was taken sick none of his relatives should be called in. He said: "You know how my relatives treated me and tormented my wife; I don't want them to torment me in my last hours." She told of frequent visits to Spiritualistic séances with Mr. Livingston, and said she believed in Spiritualism to a certain extent; that was, that communications could be held with dead friends through a proper medium. She said she had received messages from Mr. Livingston's dead wife, and believed that some of them were genuine. She saw faces which looked like her daughter's, and the voice was natural and sounded like Mrs. Livingston's.

The hearing was adjourned.

The Pan-Republic Congress.

OMAHA, April 28.—The *Excelsior* publishes a letter from Cardinal Lavigerie, dated Algiers, March 25, in which the Cardinal expresses his approval of the Pan-Republic Congress which is to meet in Omaha in October next. He says the object of the Congress to extend lawful liberty everywhere without any menace and to establish a Council of Republics for the adoption of remedies for the defects in the present civilization has "the feeble encouragement of poor Africa," and he hopes that Africa "will render among you the services which you have the right to expect of it for the double cause of civilization and liberty." The Cardinal also says that the congress has the full approbation of the Pope.

Mrs. Livingston Will Get a Decree.

Judge Gildersleeve of the Superior Court has confirmed the report of Referee Henry E. Howland finding that William S. Livingston, Jr., has been guilty of infidelity, and recommending a decree of absolute divorce in favor of the wife, Mary W. Livingston. In confirming the report the Court denies a motion by Livingston for leave to reopen the reference and put in new evidence. The Judge holds that it is clear to him that this new evidence could make no difference in the result.

SHE SAYS THAT SHE IS A WIFE

SELINA DOLARO'S DAUGHTER SUES BARCLAY H. WARBURTON.

An Unceremonious Marriage Relied On to Establish Her Claim to a Separation with Alimony—Story of the Courtship.

Esther Warburton, formerly an actress with Henry E. Dixey and daughter of Selina Dolaro, who died three years ago, has begun suit in the Supreme Court for a separation, on the ground of abandonment, from Barclay H. Warburton, formerly secretary for Mr. Dixie, but now employed on the Philadelphia *Evening Telegram*, of which his father, Charles E. Warburton, is proprietor. Howe & Hummel are her counsel. She alleges that she and Warburton were married by mutual agreement on May 26, 1890, and have no children and that Warburton deserted her on Dec. 10 last.

She says she met Warburton while he was secretary for Dixey. She became ill while the company was at Baltimore, and as she was poor the defendant insisted on advancing money to her until she became convalescent. She was about to leave the company when her companion, Miss Williams, became ill and was discharged, but Mr. Warburton asked her to remain, saying that he would use his influence to advance her. He told her on several occasions that he had a sincere and strong attachment for her, and she continued travelling through the country with the company, he becoming meanwhile more attentive.

"During the course of these engagements," the plaintiff says, "the defendant continued paying me more marked attention than ever, and the result of his display of regard and affection for me culminated in our assuming marital relations. (Meaning, apparently, that Warburton assumed them.) After this association continued for a brief period I called said defendant's attention to the fact that if he was so fond of me as he claimed to be he should marry me, and he repeatedly promised me that a marriage would take place between us, in accordance with my wish."

(The day preceding the alleged marriage she told him that their relations could no longer continue unless he would marry her, and that she intended to leave the company.)

"I told him," she says, "that I intended to lead a life such as would warrant another gentleman who was solicitous of marrying me making me his wife."

Her story is that he begged her not to take this step, but that they would be married by virtue of living together as man and wife and by his introduction of her as his wife. His father, from whom he had received large remittances, would cut him off if there was a ceremonial marriage.

While they were living as Mr. and Mrs. Warburton in California in October, 1890, she again urged a ceremony, and he said:

"Why, Esther, you are my wife before God and man. What more can you ask? Even under the laws of California you are my wife as positively as if we had been married by a clergyman."

He desired her to take a house in this city, but she said she preferred to live with her brother, and he sent a male servant with her to New York, where she registered at the Hotel Imperial as Mrs. Warburton. She says he had received as much as $30,000 frm his father, which she believed had been sunk in the play of "Rip Van Winkle" at Chicago. His remittances had, however, stopped while they were living at Reynolds's Hotel at Boston as man and wife, owing to an announcement in a newspaper that they were married. At his solicitation she had written a letter to his father saying they were not married. The remittances then began to come again.

She went to England in May, 1891, he living at "our home," 75 West Ninety-fifth street. He wrote to her not to return, as he would go over. He did not go, and she returned last July. He did not visit her on her arrival, and she went to see him at Philadelphia, and their relations were resumed there and at the Hotel Imperial, and at 18 West Thirty-second street.

Subsequently he told her he had been invited to act as usher at the wedding of Gen. E. Burd Grubb, Minister to Spain. He accordingly went to Europe. On his return she learned that he had given a dinner party at Philadelphia to a Miss Tyson. She became incensed, and sent him his trunks. Their relations then ceased, and she brought the present action.

She says that while they were living together as man and wife their expenses had ranged from $100 to $250 a week.

It is understood that his answer, which has not been served, will deny the marriage.

PRIVATE LONERGAN'S DEATH.

Saloon Keeper Taggart and Three Marines From the Navy Yard Arrested.

Private William Lonergan of the Marine Corps at the Navy Yard spent Monday night drinking with some companions in Thomas J. Taggart's saloon at 20 Flushing avenue. Soon after midnight he was carried unconscious by two of his fellow marines to the guard house, whence he was removed to his quarters and placed on his cot. He died at 3 o'clock on Tuesday morning without recovering consciousness.

The marine's death resulted, it was supposed, from excessive drinking, and Dr. Brush, the corps surgeon, refused to allow Coroner Rooney to take charge of the case, and made out a certificate setting forth that death was caused by heart failure superinduced by alcohol. On Wednesday Commandant Erben of the Navy Yard overruled Dr. Brush's action and placed the matter in the hands of Coroner Rooney. An autopsy was held the same night by Dr. A. W. Shepard and disclosed the fact that Lonergan had received severe fractures of the skull, and that his lips were cut and two teeth knocked out, as if by a blow. Yesterday morning Detectives Kierney and Noonan made an investigation, and within a few hours had arrested Taggart, the proprietor of the Flushing avenue saloon, on suspicion of having caused the marine's death.

It is believed that Taggart, in ejecting Lonergan from the saloon, knocked him down, and that his skull was fractured by the fall on the sidewalk. Then, it is supposed, Lonergan was carried into a back room in the saloon, where he was allowed to remain a few hours without medical attention, his companions apparently being willing to second the efforts of the saloon keeper to keep the matter quiet. Finally the unconscious man was carried to the barracks and left in the guard room.

Privates Jeremiah Sullivan, John Danney, and Thomas Feeney of the Marine Corps were arrested yesterday afternoon, charged with being implicated in the assault.

$380 FOR HER INJURED CALVES.

Mr. Bender Will Pay For His Dog's Mouthful Taken From Miss Kelly's Legs.

Annie Kelly, a domestic in the family of Mr. Arthur Bender, the publisher of the *Maritime Register*, who lives at 400 East Fifty-first street, was bitten by a St. Bernard dog belonging to her employer two months ago. The dog bit out a piece of flesh weighing an eighth of a pound from the graceful curve of that part of her lower extremities which figures in the legal papers as the "said calves aforesaid."

Annie said that while she was at work the dog bounded into the room, bit her in the calf of the left leg and then in the calf of the right leg, leaving the "said calves aforesaid" badly mutilated.

She said that she was kept in the house for two days before they allowed her to send for a physician. While Mrs. Bender was at first fearfully Miss Kelly called in Dr. L. J. Dailey, who cauterized the wounds and attended her for the next six weeks.

As soon as she was able to leave her bed she brought suit against Mr. Bender for damages and doctor's bill. The case came up before Judge Daly in the Court of Common Pleas on Monday, and Miss Kelly told her side of the story.

Mr. Bender testified that he had promised to pay the doctor's bill, but had decided not to do so because Miss Kelly had threatened to sue him. Mr. Bender denied the testimony of one of the witnesses which cast reflections on the dog's character, but admitted gravely that the dog, who had a good heart, had playfully chased a confectioner's boy into the parlor, and had gently deprived the lad of the seat of his trousers. But, he reiterated, he was a good dog at bottom.

The jury, after careful deliberation, decided the "said calves aforesaid" had sustained $380 worth of injuies, and Mr. Bender will pay up.

J. Henry Ford's Funeral.

The body of ex-Police Justice J. Henry Ford will be taken to Lynn, Mass., to-day and interred in the family burial ground. Funeral services will be held at his residence, 44 West Twenty-fifth street, at 5 P. M. Out of respect for the opinions he often expressed the services will be very simple, and only relatives and intimate friends will be present. A small party, including the clergyman, will accompany the body to the grave. An intimate friend of the family said last night that Justice Ford left about $25,000 to his wife, who is his sole heir and executrix.

With His Host's Bread Knife.

William Kraft, an instrument maker, while delirious from drink cut his throat from ear to ear early yesterday at the house of Philip Gerhardt, a carpenter, at 542 Sixth street. He is in Bellevue Hospital, likely to die. He had been a guest of Gerhardt's over night. The weapon he used was his host's bread knife. It will not be used for its original purpose again if Kraft dies.

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DR. ROSNER ABANDONED A BABY.

So Said Annie Treasdale When Demanding His Arrest for Assaulting Her.

Henry Rosner, a physician 23 years old, whose office is at 333 East Eighty-third street, was held in $500 bail in the Harlem Court yesterday for examination on a charge of abandoning an infant in the street. He was also held in $300 bail for examination on a charge of assaulting Annie Treasdale, a young English woman who lived in the flat with the Doctor as his housekeeper.

The Twenty-seventh precinct has been noted for the number of foundlings picked up in the streets. Rosner's mother kept a lying-in hospital in East Eighty-fourth street, near Second avenue, for several years, but moved away about a year ago. His sister, Mrs. Geist, is a midwife, living in Eighty-second street, near Third avenue. Rosner boarded in a house in which he met Anna Treasdale. The girl says they are engaged to be married, and that Rosner has treated her with great cruelty. Difference of religion, Rosner being a Hebrew and Annie a Protestant, lead to many angry disputes.

On Wednesday night, she says, they quarrelled, and Rosner knocked her down and kicked her. Her eye was badly discolored. She ran out of the house and asked Policeman Sullivan to arrest her assailant. She was angry then, and she added to her complaint of assault a story that intended the officer at once.

She said that on April 20 Rosner brought a male infant six weeks old into the house. He said his sister had asked him to take charge of it. About 11 o'clock that night he bundled the child up in an old shawl and told her to take it and go out with him for a short walk. She took the baby and walked down East Eighty-third street with the Doctor. It was raining heavily and the street was deserted. Opposite 39 the Doctor bade her to lay the baby on the stoop and hurry on, but she told him to leave the child himself. Dr. Rosner took the child out of her arms, laid it on the stoop, and hurried home. She added that the Doctor told her the next day that the baby had been found by the police and was all right.

Policeman Sullivan arrested Rosner, and Annie accompanied him to the station. Reference to the police blotter showed that a male child had been found on the stoop of 39 East Eighty-third street, about 11 o'clock on the night of April 20 by Policeman James Black. With this corroboration of the girl's story Rosner was locked up on a charge of abandonment, and Annie was locked up as an accessory.

When they were arraigned yesterday morning, the girl had repented of her action, and did not wish to make a complaint against the Doctor. She was sent to the House of Detention. She says she was married in England, but lost her husband and came to America five years ago. The Doctor had nothing to say about the charges preferred against him.

THE GRANT MONUMENT BOOM.

Every Prospect Now that the Needed Money Will be Raised Speedily.

The officers of the Grant Monument Association were congratulated yesterday on the excellent showing already made in the work of obtaining subscriptions, as announced by Gen. Horace Porter at Wednesday's ceremonies. The reports from the committees showed that $202,800 had been subscribed. There is less than $150,000 required to bring the subscriptions up to $350,000, the amount which Gen. Porter has determined to raise. It is confidently expected that the full amount will be subscribed by Decoration Day, when another great demonstration will be planned.

Several new committees were appointed yesterday. The different industries which they represent, with their Chairmen, are as follows: Pumps and machinery, Henry R. Worthington; antiques and bric-a-brac, O. H. Sypher; merchant marine of the Port of New York, Charles Woolsey; wholesale wines and liquors, W. A. Taylor; undertakers, James B. Smith; musical instruments, J. Howard Foote; civil, mechanical, electrical, and mining engineers, E. W. Serrell; Japanese and Chinese goods, Otto Fukershina.

Ortgies & Co. announced yesterday that they would receive and store free until the day of sale the contributions which the artists propose to make for the Grant Monument Fund. They also offer the use of their galleries free for the proposed exhibition of these works. The Committee on Art, of which Albert Bierstadt is Chairman, sent out this circular yesterday:

"DEAR SIR: We have the honor to invite you to contribute to the fund for the completion of the tomb of Gen. Grant.

"Any work of art you may donate for that purpose will be received by Messrs. Ortgies & Co., 398 Fifth avenue, who have kindly given the use of their galleries for their exhibition and sale.

"The exhibition will be opened to the public on May 31 and continue until June 6, when the paintings and other works of art will be sold at auction by the Hon. Chauncey M. Depew and Gen. Horace Porter."

THE RISING MISSISSIPPI.

Within a Foot at New Orleans of the Highest Record Ever Made.

NEW ORLEANS, April 28.—The Mississippi continues to rise here, and is now within less than a foot of the highest point ever known. The only danger points are on Bayou Lafourche, and below New Orleans. Four crevasses have occurred on Lafourche, two of which are serious. The other holes were at once closed by the planters of the neighborhood. The big breaks are at Leblancs and near Napoleonville. The Leblancs crevasse appeared in the day, but came so suddenly and with such force that it carried away fifty feet of levee at once, sweeping away a school in its path. The children escaped with difficulty. It will injure a number of plantations in the vicinity. The muskrats are doing a great deal of harm to the levees throughout the Lafourche districts.

A break is reported at St. Sophie in Plaquemines parish, about ninety miles below New Orleans. The situation is not so alarming, but some apprehension is felt, and in Concordia parish the Police Judge has appealed to the Federal Government to grant aid in holding the line of levee there.

Bishop McDonnell Says Mass at St. Teresa's.

Bishop McDonnell of Brooklyn said mass yesterday morning at St. Teresa's Church, Rutgers and Henry streets. It was a low mass and was celebrated at 8 o'clock, at the altar of the Blessed Virgin, which was given to the church by Mr. and Mrs. Joseph W. Payten, in memory of their son, the late Rev. Father Charles Payten, who was a classmate of Bishop McDonnell. The Rev. F. P. Moore and the Rev. T. F. Cussack assisted at the mass.

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$25 worth, $2	deposit;	balance, $2 per Month.
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$75 worth, $7 50	deposit;	balance, $5 per Month.
$100 worth, $10	deposit;	balance, $6 per Month.

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BLAINE BEFORE A SENATE COMMITTEE

He Opposes Granting to the French Cable Company the Right to Land.

WASHINGTON, April 28.—The joint resolution granting to the French Cable Telegraph Company of Paris and New York the right to land a cable on the shores of Virginia and South Carolina, thence to go from Cuba to San Domingo, was the subject of a hearing to-day before the Senate Committee on Commerce, at which Secretary Blaine, members of the French Legation in Washington, and attorneys for the company were heard.

Secretary Blaine was in excellent form, and made a vigorous protest against favorable action, or any action at all, on the resolution, urging that it should be killed in the committee. He said he did not believe in giving a hearing in any form. The United States wanted to secure direct cable communication with Brazil, and there were reputable men ready to build such a line. If the Senate gave the French company the right to land in Virginia or South Carolina this could not be done. The Brazilian Government had given the French company the exclusive right to land for thirty-five years, and if the right to land in the United States were given by Congress a monopoly would be given the company, and the United States would be prevented from having cable entry into Brazil during the period of exclusiveness. The sending of all messages by way of London and Paris would place United States merchants under great disadvantage and at great expense, and the construction of the line would prevent the establishment of an American line. Such a line he believed would be under way in a year if Congress did not give to the French company the right asked. All cable lines, he said, sought to preserve a monopoly, and where there was a monopoly the service was usually bad. When the United States had a line in competition with the French and English lines, then this country would get cheaper rates.

Mr. Blaine said the French company had been represented by counsel for two years before the State Department, and had used every means to secure permission to land the cable. It had buttonholed Congressmen and used other means to get the resolution passed. In conclusion, Secretary Blaine said he would deeply regret favorable action on the resolution by Congress.

The Hon. Jeff Chandler and Gen. Eppa Hunton, counsel for the company, made brief arguments in support of the resolution. They contended that Congress had no right to interfere in the right granted to the company to land by the Legislatures of Virginia and South Carolina.

THE ELLIS ISLAND SCANDAL.

Senator Chandler and Representative Stump to Secretary Foster.

WASHINGTON, April 28.—Senator Chandler and Representative Stump, Chairmen of the Senate and House Committees on Immigration, have joined in the following letter to Secretary Foster, reviewing Attorney-General Miller's opinion that the use of the immigrant head money for the improvements on Ellis Island was legal:

UNITED STATES SENATE, WASHINGTON, April 22, 1892.

To the Hon. Charles Foster, Secretary of the Treasury.

SIR: We have the honor to acknowledge the receipt at your instance, through Assistant Secretary Nettleton, of the opinion, dated April 8, 1892, of the Attorney-General, affirming the legal authority of the Treasury Department to use the head money for the improvements at Ellis Island. We are glad that even at this late day a legal opinion on the question has been sought and obtained. As the various specific appropriations for those improvements were $250,000, and the expenditures already made are $612,000, it must be a great satisfaction to the Attorney-General to find that he can send to you an opinion that the additional expenditure of $362,000 was technically lawful, and it must be a relief to you to receive it.

These committees have never expressed the opinion that the expenditures from this head money were absolutely illegal. By direction of the two Houses of Congress we have been endeavoring to ascertain whether the excessive expenditures at Ellis Island were a prudent, capable, economical administration of the Treasury Department, and to learn who was, in fact as well as in law, responsible for them, so that he might receive criticism or commendation, according as the case might appear. There has been manifested a remarkable unanimity of desire among the officials of the department to escape from personal responsibility for the expenditures, but we now perceive that this recent opinion of the Attorney-General is heralded in the newspapers as a complete vindication of the Treasury Department.

The proper construction of statutes governing departmental administration should depend largely upon the surrounding facts, and if a question is submitted to the Attorney-General upon the face of a statute without such facts, he is quite likely to make an erroneous decision, as experience has frequently shown. Therefore, they ask the Secretary whether, in seeking the opinion of the Attorney-General, he communicated to him the following information:

That the Secretary of the Treasury, on the 9th day of December, 1891, when the special appropriation for the Ellis Island improvement had been $150,000, executed a contract for the main building at $131,661, which, together with other contracts then outstanding, carried the expenditures up to $262,072 in excess of the $150,000 appropriated; that the statutes forbid any Government officer in such cases to pay a larger amount than the specified appropriation; that Comptroller Matthews's opinion adverse to the use of head money at Ellis Island was on file; that in January, 1891, after the illegal expenditure had been authorized, he wrote to the speaker of the House, calling his attention to the estimate for an additional appropriation of $100,000, saying that, with a total of $250,000, the Government would have a permanent immigration station completely equipped; that in the same month Secretary Windom guaranteed to the House Committee on Appropriations that the appropriation he requested would entirely complete the work; that Supervising Architect Windrim had about the same time made a similar statement to the committee; that the appropriation made in the act of March 3, 1891, was without any knowledge on the part of the committee that the Secretary had already expended for the Ellis Island improvement the head money, $82,072, or that he desired to expend any money for those improvements except the specific appropriations of $250,000; that these facts were on record in the Treasury Department, but were not called to the attention of the present Secretary at any time during the expenditure of the $362,000 from the head money, and that no legal opinion from the First Comptroller was taken concerning the meaning of the appropriating clause of the act of March 3, 1891, nor were the expenditures sanctioned by the Comptroller down to the date of the Secretary's letter of March 30, 1892, requesting the Attorney-General's opinion.

The foregoing facts, it seems to us, should have been, if they were not, stated by the Attorney-General while asking his opinion. They would have served to acquaint him with the circumstances surrounding the enactment of the clause of the law in question, and would have made for the Treasury Department, in addition to the $250,000, which were necessary to a full and vivid comprehension of the transactions in approval of which his opinion was secured, and that it might be transmitted to the committees for their enlightenment.

We shall now be glad to have the whole series of facts communicated to the Attorney-general, with the request that he will state whether or not they modify his legal opinion, and we also desire his opinion and your own, not only as to the technical meaning of the clause in the act of March 3, 1891, but also, in a larger sense, whether the action of the Treasury Department from first to last in connection with the Ellis Island improvements has shown wise and competent administration of public affairs; which opinions we shall take pleasure in submitting to the committees.

It is understood that Secretary Foster's reply will be transmitted to the committee within a short time.

$15,000 for Injuries.

A jury before Justice Beach, in the Supreme Court yesterday, gave C. E. Hart a verdict of $15,000 against the Delaware, Lackawanna and Western Railroad Company for injuries received in May, 1890. Hart was working on a New Haven road float. While it was entering the defendant's dock on a dark night his foot was crushed between the float and the pier. The bridgeman was absent at the time, and the bridge latches were out.

Cows Derailed the Train.

NEW ORLEANS, April 28.—A work train on the Illinois Central Railroad left here yesterday evening with laborers to repair the damages caused by the late freshets. Kenner had been passed and the train was going very fast. It ran into some cows, derailing the engine and six cars, and killing three and seriously wounding six others.

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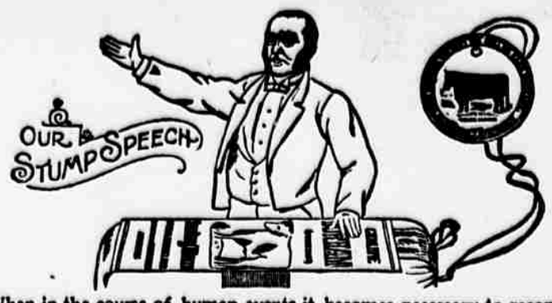

When in the course of human events it bec