MISS KEATING FACES HAYES.

SHE SAYS HE OWED HER $2,000 AS FATHER OF HER SON.

Their Other Children Dead—Hayes's Wife and Miss Keating Both Wanted the Boy—A Singular Triangular Household Described on the Trial of Hayes for Perjury.

Anna M. Keating, the complainant in the case of Col. William B. Hayes, indicted for falsely swearing on April 19, 1891, that he did not give to Miss Keating a note for $2,000, upon which she sued in the Supreme Court of Monroe county in January, 1891, and obtained judgment, was upon the witness stand all day yesterday before Judge Martine in the General Sessions. She was dressed in plain black. She looks not more than 25 years of age, and the fat defendant, as he sat at the bar with his arms crossed over his big chest, looked old enough to be her father.

Miss Keating testified that Hayes was introduced to her in Detroit in 1883 in a skating rink. On Oct. 27, 1887, in this city, she received the $2,000 note from Hayes. On that day, in the flat occupied by Colonel and Mrs. Hayes, at 119 East Eighty-ninth street, Mrs. Hayes wrote the body of the note, and Hayes signed it. Then Mrs. Hayes wrote a receipt for the note, and the witness signed it. Mrs. Hayes also wrote an assignment of two $500 mortgages, and gave the assignment to the witness, but the witness never received the mortgages, and never recorded them.

She first came to this city, from Detroit, in February, 1887. She occupied a furnished room in Forty-eighth street for a month, and then she went to Hayes's flat. She was there a month, and then she went to the foundling asylum of the Sisters of Charity at Third avenue and Sixty-eighth street. She became the mother of a boy on April 11, 1887. She remained in the asylum until May, and then she returned to Hayes's flat. Mrs. Hayes said that Hayes was in Detroit and went away the same day that the witness returned to the flat, leaving her in the flat with a servant and her child. Hayes came from Detroit about the last of July and remained there till about Sept. 1. He went to Florida then, but returned about Sept. 10. He continued to live in the flat until Dec. 17, when he again returned to Florida.

Hayes's affidavit, alleged to be perjured, states that he was in Florida on Oct. 27, 1887, when the $2,000 note, as Miss Keating says, was dated.

On cross-examination by Lawyer Howe she said that she did not go to Hayes in Detroit, in 1883, and tell him that she was in trouble, and that Hayes's brother, Joseph J. Hayes, was the father of her unborn child. Mr. Weeks objected to this line of testimony.

"I am prepared," said Mr. Howe, "to propose to show that this young lady on the stand had a child, and that she first said that Joseph J. Hayes was its father, and, later on, that the defendant was. We shall prove that this defendant's wife was willing to adopt the child, and that an agreement was entered into by which she was to obtain the child and give in return a certificate of deposit for $2,000 in lieu of the note. The note in question here was written in blank, and put into Mrs. Hayes's trunk, and signed by Hayes before he went to Florida. We propose to prove that this young lady broke into the trunk and stole the note. The note was never delivered, we say, and your Honor knows that a note has to be delivered before it is of any value."

Judge Martine overruled Mr. Weeks's objection. Miss Keating then testified that she had never said to any one that Joseph J. Hayes was the father of her child. She had never agreed to allow Mrs. Hayes to adopt her child, though Mrs. Hayes had urged it. While Hayes was in Detroit, with his wife, he sent her money to keep up the flat in New York. In February, 1888, she went to Jacksonville, with her child, at the request of Hayes, and lived with Hayes there. She did not break open Mrs. Hayes's trunk before she left for Florida and take from the trunk the note, a pair of diamond earrings, and a pair of opera glasses.

"Were you not arrested in Rochester on this charge, and was not a search warrant issued against you at the instance of Mrs. Hayes?"

"I plead," replied Miss Keating, promptly, "but that was nearly two years after this trouble had commenced. It was after I had taken my child from Mrs. Hayes in the street in this city, and had carried my child off, and it was also after I had got out papers against Mr. Hayes and Mrs. Hayes for keeping my child from me."

In July last Mrs. Hayes proposed to her, Miss Keating testified, to take proceedings to set aside the judgment against Hayes on the note and to surrender all the papers and letters that she might have in her possession from Hayes or herself. In consideration of this the witness was to receive a certificate of deposit for $2,000 issued by the Twelfth Ward Bank of this city. She went to the Bank with Hayes and Mrs. Hayes on July 2. Hayes then told her that he wanted her to execute a paper of adoption for her child, as security for the carrying out of her part of the agreement. She signed such a paper, but afterward tore it up. Mrs. Hayes gave the bank her check and the certificate was issued to the witness, as trustee for her child. Mrs. Hayes advised her to invest the money in a house and lot in Rochester for the benefit of the child.

"Did you ever tell Mrs. Hayes," Mr. Howe went on, "that you had two children?"

"Yes, sir, I did, and it was true. I have been the mother of three children by Mr. Hayes," was the prompt reply.

"Did you ever tell Mrs. Hayes that you were going to be married to ex-Senator McNaughton, your counsel in the suit against Mr. Hayes?" Mr. Howe asked.

"No, sir," answered Miss Keating, smiling. It was the first time that her seriousness had been disturbed.

"Now, Miss Keating, did you ever give $2,000 to Mr. Hayes?"

"No, sir," she answered.

"Did you ever give him any money for this note?"

"No, sir."

"Then, can you explain what the consideration was for which he gave you the note?"

"Mr. Hayes had promised to marry me, and had represented himself as an unmarried man. I had had a child, of which he was the father. I spoke repeatedly to Mr. and Mrs. Hayes about what he should do for me in consideration of the damage that he had done to me, and the note was given to me for the damage he had done to me."

"Your other child was born then, wasn't it?" Mr. Howe asked.

"No, sir. I had two other children after that. Mr. Hayes was the father of both of those children. One was born in August, 1888, and the other in September, 1889. They were both girls."

"Did you ever claim damages for those other two children?" asked Mr. Howe.

"No, sir," replied Miss Keating.

In the re-direct examination Mr. Weeks showed Miss Keating a letter, and asked her if she had received it after March, 1889, the time referred to in the deposition, from Hayes, and she said that she had. This was the letter:

ACME APARTMENT HOTEL, 111 BAY STREET,
JACKSONVILLE, FLA., March 28, 1889.

MY DARLING MAMMA AND BILLY BOY: I received your letter yesterday and notes of Moses W. Field. He was a good friend of mine. If I have to stay down here long I will send for you and Billy to come. * * * One dollar for the boy I love, and give him one big hug, for papa loves him very much. Which boy do you love the best? Do you love them just alike, mamma? * * * Twelve big kisses for mamma and a big hug for my mamma and one big one for Billy. Hug Billy for me. One more dollar for Billy.

FATA.

Miss Keating testified, continuing, that her boy was christened William Bernard Hayes. When she first met Hayes, in August, 1883, in the Detroit skating rink, he represented himself as a widower, and asked her to marry him. He told her he would be a good husband to her if she would accept him as her husband. She accepted him. On the following day he gave her a wedding ring.

At this point Miss Keating took from the third finger of the left hand a marriage ring and handed to Mr. Weeks, saying:

"That is the ring."

A few days later, Miss Keating testified, she took a trip on a lake boat with Hayes, occupying the same stateroom. She first discovered that Hayes was married in August, 1885. She accused Hayes of deceiving her, and he denied at first that he was married. Then he said that he had been married, but that he was divorced. She said to him:

"Why did you deceive me?"

Hayes replied:

"Because you are a Catholic, and I knew you would not have anything to do with a divorced man."

At this point Miss Keating burst into tears, and her sobs resounded through the court room. When she had recovered Mr. Weeks asked:

"When did you find out that he was not divorced?"

"In December, '89. Mrs. Hayes, Hayes's wife, called on me where I worked in Peck's store, in Detroit, and asked me to go to her house. Mrs. Hayes escorted me to her bedroom, and Hayes was there. Hayes said to me: 'What do you want?' I said to him: 'Didn't you send for me?' Hayes said, 'No.' Then Mrs. Hayes stepped out of the room, and Hayes called out to Mrs. Hayes: 'You have done a smart thing.' Mrs. Hayes returned to the room and said that she had found letters in her husband's pocket from a young woman working in Peck's store, and that she thought I was the writer of the letters. I wanted to avoid a scene, and I said I was not the writer of the letters. Then Mrs. Hayes apologized to me for having done me an injustice. Mrs. Hayes then said: 'I am this man's wife.'"

Miss Keating testified that she then returned to the store, and a friend of Hayes's, John White, called upon her at the store and told her not to give any of her handwriting to any one, and that she had better get ready to leave Detroit. Hayes next called upon her and said that she was more his wife than his legitimate wife, and that he would take care of her. She was about to become a mother and agreed to leave Detroit. Hayes sent her to New York with his wife in February, 1888. She lived in Hayes's flat, at 119 East Eighty-ninth street, most of the time until she went to the Foundling Asylum.

Mr. Weeks then asked Miss Keating if her boy Willie had a nickname, and she said that when an infant he was called "Burnie." Mr. Weeks introduced in evidence and read to the jury another letter from Hayes to Miss Keating, dated Detroit, May 11, 1887. The letter read:

MY DARLING ANNIE AND BURNIE: When you get that letter from her (meaning Mrs. Hayes) it made me feel bad. Not that I believed one word that she said, but to think that she would write such stuff to one I love. No, my darling Annie. If she and the world should say anything against you, I would not believe it. Your loving word against all the world; and, if any one should say anything to me against you, I would kick them out of sight. I am sorry I wrote it, too. When I come, you will have to pull my ears for me. I think you are smart enough for her, and twice as much. * * My wife and boy, if you knew how I love both of you; but, Annie, I love you the best, don't you know, my darling? Forgive me this time and I will never write one word she says again. I know what you have gone through for me, and I know you love me and my darling boy. Spank him for me, and tell him his papa was naughty to mamma, and that is why he sets it. If you need money let me know. One loving kiss for both and big hugs for both, from one who loves you both, and one who can work and live for you both. I love you, Annie. I told Mr. White you and I were married two years ago, and he thinks it is so. It is so. Yours, as ever, FATA.

Miss Keating testified further that when she was in Jacksonville with Hayes and her child she boarded at a private house in Market street as Mrs. Hayes. Before she left this city to join him in Florida she wrote a letter to Hayes, asking him to pay the note, as she needed money. The letter was written in January, preceding her departure for the South. On her return to this city from Florida she went to Rochester to live with her mother and sister, and in October, 1890, Hayes went to Rochester and took her boy from her. In the following December she came to this city to look for him. At first Hayes would not tell her where he was, but finally admitted that he was at Butler, N. J., with Joseph J. Hayes. When she went to Butler she could not find her boy. She was told to go to Brooklyn to look for him, but he was not in Brooklyn, and she came to this city and went to Police Headquarters, where she saw Sergeant Bird. The search for her child was vain. She then returned to Rochester, but came back to New York within a few days and rented rooms opposite the home of Hayes, in 127th street. A few days later she saw Mrs. Hayes, with her boy, in the street. She ran out of the house, caught up her child in her arms, and ran away with him, and went to Rochester. It was after this occurrence that Mrs. Hayes followed her to Rochester and had her arrested upon the charge of stealing the $2,000 note, a pair of diamond earrings, and a pair of opera glasses from Mrs. Hayes's trunk. The charge was not pressed. This arrest occurred after she had begun the suit against Hayes on the note. In May last, after he had been indicted for perjury, Hayes and his wife went to Rochester and called at her home at 103 South Fourth street. Hayes wanted to settle. On the evening of Saturday, May 14, in the presence of Police Superintendent Cleary, Hayes made out a new note for $2,700. Mrs. Hayes endorsed the note, but the witness would not accept it, as her counsel advised her not to take anything but cash. The three children that she bore to Hayes were William B. Hayes, born on April 11, 1887; Marguerite, born in August, 1888, and Grace, born in September, 1889. Marguerite died in October, 1888, and Grace in June last. On June 19, several days after the funeral of Grace, Hayes appeared in Rochester and urged the witness to come to this city, saying that he would pay her the old note. He asked her to bring Willie with her.

"Hayes told me also," Miss Keating resumed, "that I was to see District Attorney Nicoll and ask him to dismiss the indictment against Hayes for perjury. I consented to come to New York with my boy, but I would not agree to have anything to say to Mr. Nicoll."

It was then that she got the certificate of deposit. The trial was adjourned to to-day.

DID SHE BARTER HER CHILD?

The Suit of Mrs. Enders for the $20,000 Her Father-in-law Promised Her.

HARRISBURG, Jan. 17.—More than twenty years ago Annie Dunkle, rosy-cheeked and 18 years old, living in the little village of East Berkley, Berks county, married Dr. Emanuel Enders, a well-to-do physician of the village. A son was soon born to them. Trouble arose shortly before the boy became three years old, and the father-in-law, Dr. William Enders, offered the mother $20,000 for the custody of the child, promising that he would be well reared, have a college education, and $10,000 upon reaching his majority. She, too, was to receive her money when the boy became 21. She agreed finally, and in 1873 her husband secured a divorce. The woman returned to her East Berkley home, visiting now and then the child she had unwillingly given up.

The boy received an education in Lebanon's public schools and graduated from college in due time. He adopted medicine as his profession, and is now a practitioner in Philadelphia. In October, 1890, he reached his majority. The grandfather had removed to this city from Lebanon, and in November, 1891, he died, leaving a will in which he appointed his widow and grandson the executors of his estate, valued at $76,000. The young man's mother was not mentioned in the paper at all. Suit is now entered for the recovery of the $20,000 promised to her.

By the terms of the contract Mrs. Enders, the divorced wife, was not to marry. If she did she was to forfeit her right to the $20,000. After her return to East Berkley suitors became numerous. The $20,000 was a great seal on her affections, however. Under the laws of the State, it is claimed by the defendant executors, a woman cannot barter her child as property, and under no consideration could the contract entered into have been a legal one.

A motion was made for a non-suit by the defendants on Monday, and President Judge Simonton was just on the point of giving it. He decided, however, to hear the whole case, and remarked that when the Court got through with the Dauphin county tribunal would be troubled with it no more, meaning, no doubt, that the decision would be one upon which all authorities on the subject agreed and that there would be no room for appeal.

HELD FOR THE GRAND JURY.

A Bigamy Case in Which the Rev. T. Dixon, Jr., Performed the Second Marriage.

The Welch bigamy case, which has been adjourned from time to time during the past six weeks, was finally disposed of in the Tombs Police Court yesterday. Mrs. Welch waived examination and was held for the Grand Jury. Bail in $5,000 was furnished by her brother, Grahams Polley of 117 South Ninth street, Williamsburgh.

Mrs. Welch was arrested on Nov. 26 on the complaint of her husband, Edward B. Welch of 164 Taylor street, Williamsburgh. In his affidavit she was charged with having been married on Jan. 25, 1891, by the Rev. Tom Dixon, Jr., to Joseph Raynor Andrews, a theatrical agent, living at 255 West Thirty-ninth street. Welch at the time said he had known of his wife's second marriage for months, but hesitated to bring proceedings against her on account of the disgrace it would bring upon their child. He had endeavored to obtain the child, but failing, was forced to have his wife arrested. Mrs. Welch pleaded not guilty to the charge, and said her arrest was only part of a scheme on her husband's part to extort money from her family.

Her father, Grahams Polley, was a distiller in Williamsburgh, and at the time of his death was considered to be a millionaire. She was married to Welch in 1881. They separated about four years ago, since when she has been living with her family.

"I Won't Swear; I Am Guilty."

Carlo Carrutti was tried yesterday in the General Sessions before Recorder Smyth upon an indictment charging him with breaking into the saloon at 125 South Fifth avenue on Dec. 17. The People made out a strong case. Then Carrutti took the stand in his own behalf. As the crier handed him the Bible and Clerk Hall began solemnly to repeat the oath, Carrutti drew his hand back and said:

"I won't swear: I won't lie. I am guilty. I did this."

A plea of guilty was entered by Clerk Hall, Recorder Smyth told Carrutti that he deserved credit for being unwilling to add perjury to his other crime. It was very unusual for criminals to be conscientious about an oath. He remanded Carrutti to await sentence.

Locators of Bridges.

In a bill introduced in the Assembly yesterday by Assemblyman Timothy "Dry Dollar" Sullivan, Thomas E. Smith, George L. Foote, John L. O'Brien, John Donohue, and William M. Price are named as a Commission to locate sites for bridges across the East River north of Blackwell's Island. John L. O'Brien is said to be John Lou O'Brien, son of the late John J. O'Brien, and Vice-President of the Tammany Hall organization in the Third Assembly district, where Assemblyman Sullivan is the leader.

A Receiver for Farley Clark.

Mr. Farley Clark, who belongs to the Union Club, the St. Nicholas Club, the Racquet Club, the Down Town Club, and is Vice-President of the Rockaway Hunt Club, is in the hands of a receiver, appointed at the suit of the Jackson Architectural Iron Works, which has a judgment against him that is unsatisfied, and wants to examine him in supplementary proceedings. Mr. Clark is in business at 18 Broadway. The receiver is Thomas D. Day, Jr., a lawyer of this city.

GOV. WERTS INAUGURATED.

HIS PROPOSAL FOR LESSENING THE POWER OF THE BOSSES.

He Defines the Features of a Law to Substitute Australian Balloting for the Present System of Primaries and Nominations.

TRENTON, Jan. 17.—When to-day the oath of office was administered to George T. Werts, the successor of Leon Abbett as Governor of New Jersey, the event as usual took place in Taylor's Opera House. The Legislature adjourned and the members occupied seats on the stage. The State officers and members of the Supreme Court were ranged on either side of the lawmakers, and in odd spaces all about sat leading Republican and Democratic politicians. The boxes were filled with ladies, the families of the retiring and incoming Governors occupying two of them. While the theatre was filling a great throng was witnessing the street parade in which the following organizations took part: The George T. Werts Guard of Morristown, the Business Men's Tariff Reform Association of Newark, the Americus Club and the F. J. McAdams Association of Camden, the M. J. Coyle Association of Hoboken, and the Trenton Democratic League. On the march to the theatre they halted at the State House where Gov. Abbett and Mr. Werts entered a carriage and joined the procession. The Committee of Arrangements also joined the procession.

The appearance of the Governor elect on the stage of the Opera House was the occasion of a burst of applause, but it was not so long nor half as loud as the applause given to Leon Abbett. His figure was more familiar to the people. They are sympathizing with him over his defeat for United States Senator, and they took this way of expressing their feelings. He was repeatedly cheered, and the demonstration brought the blood to his pale cheeks and an expression of gratitude to his eyes. James Smith, Jr., the Democratic nominee for United States Senator, was also on the stage, and Newarkers, to whom alone his face is familiar, applauded him.

The ceremonies were opened with prayer by the Rev. Dr. John Dixon of Trenton. Chief Justice Beasley then administered the oath to the Governor elect, the latter repeating it audibly. Gov. Abbett now turned over to him the great seal of the State, and Gov. Werts in accepting it said:

"Gov. Abbett, I am reminded by your words that this great seal has descended from Executive to Executive until it has passed a long line of able men, but I am also reminded that but one other besides yourself has been twice its custodian. That fact testifies more to your honor and ability than any words that I could utter, and I hope that when it shall be my turn to deliver it to another I may do so with such a sense of duty conscientiously performed as must now animate you."

Gov. Werts was then formally introduced to the Legislature and delivered an address. Having defined his attitude respecting trusts and combines, by endorsing the views of Gov. Abbett, he discussed the question of local self-government, the inherent right of the people to regulate and administer their local affairs through officials of their own choosing. On this head Gov. Werts said:

"This is of the essence of democratic government, and, unless we are prepared to reject the truism that government derives its just powers from the consent of the governed, it is impossible to discover on what theory this right of self-government can be denied to any municipality. Municipalities, if any, what form the governing body assumes, or by what name it be called, provided it be elected by the people. But where the actual governing body is designated by an agent interposing between the people and the governing body, although that agent be chosen by the people, such government is not strictly democratic. The vital principle of home rule is violated when the right of the people to choose their own rulers is exercised by another."

Continuing, the Governor said: "From the right of self-government the transition is natural to the right of good government. Self-government through officials chosen by the people implies that each individual may have a voice in the designation of those officials. I speak, not now, of the right to vote for nominated candidates, but of the right and opportunity to say who those candidates shall be. Under the refinements of modern politics the caucus or primary for choosing delegates is the principal factor in the political machinery of all parties. The character of candidates, and consequently of government, is there determined. Theoretically the primary is a popular assembly where the popular will finds expression. Practically it has become an instrument, a mere appliance to register the will of 'the boss,' 'the ring,' or 'the machine.' This admitted evil has furnished occasion for remedial legislation in the past, but without substantial result. The evils sought to be suppressed have increased rather than diminished. Ballot reform has, in recent years, accomplished much in the direction of honest elections. It would seem that the enactment of a law applying the same principles and methods to the caucus or primary would prove equally efficacious. The result would be the abolition of the primary and of the convention also, the convention being simply the culmination of the primaries, and affording opportunity for the same objectionable practices there prevailing. The enactment of such a law as that suggested is only a matter of detail. The general outlines would properly be, for Gubernatorial and Congressional districts, representing more than one county or parts of counties, a certificate, signed by a required number of legal voters of the State or district, should be filed with the Secretary of State, setting forth that the signers present a designated person to be voted for as Gubernatorial or Congressional candidate. For legislative, county, or municipal officers, like certificates should be filed with the county or municipal clerks. From the certificates so filed the respective clerks should prepare an official ballot containing the names proposed for the different offices to be filled, under proper heads, arranged in parallel columns, with only the names of one party appearing in the same column. On an appointed day an election should be held under the provisions of the Ballot Reform law for candidates to be voted for at the succeeding election. The result should be certified to the Secretary of State or county or municipal clerk, as the case might require, and the person receiving a majority or plurality vote of any party for any office declared the nominee of that party for that office.

"The ballot to be used at these nominating elections should be confined to the polling room, and not circulated outside, the voter to indicate his preference by marks placed at the head of the column or opposite particular names. Under such a system every voter could freely express his choice as to the candidates of his party, and the influence and power of the machine would be reduced to a minimum, if not overthrown. It may be objected that the scheme involves considerable expense. Whether the matter of necessary expense should be considered in a question involving good government may be debatable, but, however that may be, the objection can be in great degree obviated by appointing the nominating election to be held on a day when the boards of registry are met under the present law for the purpose of personal registration and revising and correcting the registry lists. The proposed method of nominating candidates would not, if that were desirable, prevent united action for or against a particular person. On the contrary, those to be voted for being known in advance, their merits and demerits would be thoroughly discussed in the public prints and by the people among themselves, and considerate and deliberate action thereby insured.

"Should it prove difficult or unwise to apply the method proposed to the nomination of certain officers, such as electors for President and Vice-President, and inferior municipal officers, the methods now prevailing, or others to be adopted, could be followed. So, if two persons of the same party should receive an equal number of votes for the same office, that difficulty could be easily overcome in various ways that will readily suggest themselves to the inventive mind."

The exercises were closed with prayer by the Rev. George C. Maddock of this city. From 2:30 to 3:30 this afternoon, and from 7:30 to 8:30 this evening, Gov. Werts held receptions at the State House, and hundreds of people shook hands with him.

Gov. Werts will to-morrow appoint Judge Job H. Lippincott of Hudson county Justice of the Supreme Court to fill the vacancy caused by Werts's resignation to accept the Governorship. Ex-Senator Robert S. Hudspeth, who is at present Corporation Attorney of Jersey City, is to be made Lippincott's successor as law Judge of Hudson county, and Police Justice Henry Pfister, it is announced, will be appointed Corporation Attorney as soon as a law is passed giving the appointing power to the Board of Finance of Jersey City.

Senator Voorhees's Daughter Becomes a Catholic.

BALTIMORE, Jan. 17.—Cardinal Gibbons will go to Washington to-morrow and confirm the daughter of United States Senator Voorhees. The Senator has issued cards to a reception on Wednesday in honor of the Cardinal. His Eminence will be in Baltimore on Thursday, and on Sunday next he will be again in Washington to preach in St. Matthew's Church. After the mass the Cardinal will be the chief guest at a dinner to be given in Washington by Charles J. Bonaparte of Baltimore.

New York Central's World's Fair Special is the popular mid-day train for Chicago.—Adv.

Apollinaris

"THE QUEEN OF TABLE WATERS."

"Has acquired a leading place in public esteem throughout the World."

BRITISH MEDICAL JOURNAL.

SHE'S THE CORONA; THAT'S SETTLED.

Squabble in the Custom House in Which the Collector Triumphs.

A fine old three-cornered rumpus has been going on in the Custom House between the offices of the Collector and the Surveyor and the Navigation Bureau presided over by Deputy Collector John H. Gunner. It was settled yesterday by an order from Washington, when the Surveyor's office was instructed to grant a certificate of inspection to the steam tug Corona, owned by George M. Bockover of 130th street and Harlem River; but the whole matter has left a bad taste in the mouths of any number of Custom House officials, including besides the Collector the Surveyor and Deputy Collector Gunner, Auditor Samuel M. Blatchford of the Surveyor's office, and Chief Clerk Thomas J. Dunn of the Navigation Bureau.

On Feb. 8 last the steam tug Syracuse was burned to the water's edge in the harbor. All that was left were the live oak knees and a small fragment of the hull. The knees, the old iron and junk were purchased by Bockover for $150 and were used in the construction of the steam tug Corona, built at a cost of $5,000. The Corona was finished six weeks ago, and Bockover applied to Surveyor Lyon's department for a certificate of inspection in the name of the Corona. The surveyor has not been well for some time, and this application was turned over to Auditor Blatchford, who promptly refused to issue a certificate, holding that under the United States statutes there could be no tug named Corona that was built from the timbers of the Syracuse. Mr. Blatchford held that the Corona was an old vessel, and that the application should have been made in the name of the Syracuse.

Bockover appealed to Collector Hendricks, who consulted with his chief deputy, Mr. Couch, and with Mr. Gunner and Mr. Dunn of the Navigation Bureau. All decided that the stand taken by Mr. Blatchford was erroneous. Collector Hendricks thereupon requested Surveyor Lyon to issue the certificate to the Corona under her new name.

Auditor Blatchford still had charge of the matter in the Surveyor's office, and he promptly refused to comply with the Collector's request. Then the row began. Mr. Blatchford bombarded the Collector's office with letters insisting that his position was right and that the Collector, Couch, Gunner, and Dunn were in error. The correspondence ran over a period of five weeks, and daily became more acrimonious.

At last the thing became so hot that the whole matter was referred to the marines of the Treasury Department in Washington, and back came a letter yesterday directing Mr. Blatchford to issue the certificate to the Corona.

NO. 24 SINGLED OUT.

Director Wiske Raises a Breeze in the Brooklyn Choral Society.

There was a rehearsal of Dvorak's "Stabat Mater" by the Brooklyn Choral Society at the big Talmage Tabernacle on Monday night, and the small audience was treated to an unusual incident just before the rehearsal was begun. Musical Director C. Mortimer Wiske, on reaching the platform, looked around and said sharply: "I see that No. 24 (referring to a female member of the chorus) has been absent from three consecutive rehearsals. Who is No. 24?" A pretty young woman in front arose and answered that she was No. 24, and when Mr. Wiske reproved her for being absent from the rehearsals and threatened to have her name dropped from the roll, she bluntly told him he was exceeding his duties, as it was the business of Secretary Kelsey to attend to such matters.

Then followed a brief but somewhat exciting controversy between Mr. Wiske and Secretary Kelsey, in which the latter resented the criticism upon No. 24 and threatened to resign his place if her name should be dropped. Mr. Kelsey gave this explanation yesterday:

"Mr. Wiske is simply musical director and he has nothing to do with dropping names from the roll. Last night he took my roll book and found three marks against No. 24. Now, this young woman is one of the most faithful and earnest members of the society, and in five years she has missed only eight rehearsals. There is a rule that a member of the chorus absent from three rehearsals shall be dropped from the roll. It is true that there were three marks opposite No. 24's name, but two of them were 'excuse' marks. Mr. Wiske simply made the mistake of singling out the wrong person. As Secretary I keep all the books and the marks I make in them are known only to myself."

FANSHAWE'S SENTENCE CONFIRMED.

To Serve Twelve Years for Arson Committed Nearly Five Years Ago.

District Attorney Nicoll was officially informed yesterday that the Court of Appeals had affirmed the conviction of John M. D. Fanshawe, convicted in the General Sessions of arson in the first degree.

Early on the morning of Feb. 3, 1888, fire was discovered in the house at 50 East Twenty-ninth street, where Fanshawe had rooms. There were six separate fires, four in the hall and two in Fanshawe's bedroom. Fanshawe was sitting on a front window sill, dressed in his best clothes. Fanshawe was insured for $2,000, and claimed damages amounting to $1,800. His real loss was not more than $200. He was then a clerk in the employ of the Knickerbocker Fire Insurance Company. Ten days before the fire he had taken out a policy for $1,000.

Fanshawe is a son of the late H. H. Fanshawe, a wealthy silk importer. He was tried first in 1890, in the Oyer and Terminer, when the jury disagreed. In March, 1891, he was convicted before Recorder Smyth in the General Sessions. Recorder Smyth sentenced him to State prison for twelve years and six months. He gave bail, and was released pending appeal. The General Term affirmed the conviction, and then Fanshawe surrendered himself, saying that he preferred to go to State prison at once. He has been in State prison nearly a year.

Would Like to Have the Mayor Try the Police Board.

Secretary Ernest Bohm and two other members of the Central Labor Federation called on Mayor Gilroy yesterday and asked him to review the case of Patrolman Stuart of the East Thirty-fifth street police station, who was tried by the Police Commissioners and acquitted of the charge of unnecessarily clubbing George Herzberg, walking delegate of the waiters' union. The Mayor informed them that he has no jurisdiction to review the findings of the Police Commissioners, and the only cognizance he could take of it would be on the preferring of charges against them. Mr. Bohm asked him if he would put the Commissioners on trial if such charges were preferred, to which the Mayor replied that that would depend on whether he considered the charges sufficiently serious or not.

Meeting of the Jeweller's League.

At the annual meeting of the Jeweller's League in Masonic Hall last night Secretary William L. Sexton asked to have his salary reduced, and had considerable bother in getting the members to agree to his proposition. He gets a percentage of the dues. He was reelected for another year. The league elected these officers for 1893: Henry Hayes, President; J. P. Snow, John R. Greason, J. B. Bunder, and G. R. Howe, Vice-Presidents, and W. L. Sexton, Secretary and Treasurer. The league's contingent fund is now $140,000, and its membership 2,700, representing jewellers from all over the world.

The Press Club Benefit Entertainment.

A novel souvenir will be given at the Press Club benefit entertainment at the Casino to-morrow afternoon. The programme includes scenes from the "Fencing Master" and recitations, songs, and instrumental music by Agnes Booth, Cyril Tyler, Henry Marteau, Lillian Russell, Josef Hollman, Marie Tempest, Louis Harrison, Hayden Coffin, and others, and a dance by Amelia Glover. The entertainment will begin at 12½ o'clock.

Mishap to Sheriff Norton's Wife.

Mrs. Norton, wife of Sheriff James Norton of Queens county, with her sister, Miss Jane Mollitor, went sleigh riding yesterday from Long Island City. When on the turnpike, near Jamaica, the horse shied, upsetting the sleigh. The two were thrown out into the snow, and were dragged along some distance. They were rescued and taken to a hotel, and later sent back to Long Island City. The sleigh was smashed to pieces.

ONLY DEFINED A DAY'S WORK.

The Law Does Not Prohibit the Requiring of More than Ten Hours' Labor.

ALBANY, Jan. 17.—The Court of Appeals handed down a decision to-day sustaining the Central-Hudson Railroad in a case under the law of 1892 limiting hours of service on railroads, which the labor organizations put through the Legislature. The case is the first of its kind, and is regarded as a test. The title of the action is the People agt. James H. Phyfe. Phyfe was superintendent of the Harlem division. The appeal was on a demurrer to an indictment found by the Grand Jury in Westchester county charging Phyfe with permitting and requiring George A. Bedell, a trainman employed by the company at $2.10 per day, to work 14¾ hours continuously. Judge Maynard writes the opinion, which says:

"A careful analysis of the structure of this act will result in an entire failure to find any provision in it which impresses upon the conduct of the defendant as set forth in the indictment the stamp of criminality. The first section declares that no railroad corporation shall permit or require certain classes of employees, who are specially charged with the responsibility for the movement of trains, who have worked continuously for twenty-four hours, to go on duty again until they have had at least eight hours' rest, and the last section supplements this prohibition with a provision which makes a disregard of it a misdemeanor. The second section merely declares that ten hours' labor performed within twelve consecutive hours shall constitute a day's labor in the operation of all steam surface railroads owned and operated within this State. It is but a statutory definition of what shall constitute a day's labor in certain employments. There may be two such days during each calendar day and an employee working for twenty hours at an agreed daily compensation, without any stipulation as to the number of hours which should constitute a day, would be entitled to pay for two days' work.

"If the Legislature had intended to make it unlawful for a railroad company to permit or require an employee to work more than ten hours within twelve consecutive hours, we must infer that they would have so declared in direct terms. The prohibition in the first section is plain and unmistakable, and the change in the form of expression when the following sections are reached is significant, and indicates an intentional omission of the prohibitory feature. The order and judgment of conviction must be reversed, the indictment dismissed, and the defendant discharged.

MT. HOOD AND CRATER LAKE.

President Harrison Said to Have Reserved Both for the People.

PITTSBURGH, Jan. 17.—William Gladstone Steel, a Portland, Ore., geologist, on his way home from Washington, said to a reporter here to-day that he had received word that President Harrison had withdrawn the land around Crater Lake and Mt. Hood from the market. The order is now said to be on its way to the Governor of Oregon. This action will prevent syndicates from getting the mountain or the lake.

Mr. Steel says that he hopes Congress will set aside the Cascade range for 300 miles, with Mt. Hood at one end and the lake at the other, for a second national park. He says that Crater Lake is eighty miles from the Southern Pacific Railroad, but that syndicates are after it for summer resort purposes.

The lake is in an extinct volcanic crater, originally 20,000 feet high, but the top of which was broken off in an eruption. The lake's depth varies from 500 to 2,000 feet. It is six miles in circumference and remarkably clear. In the centre of the lake is a small island, upon which is another crater several hundred feet in depth. There has been no living thing in the lake, but Mr. Steel, and a party with him, saw a mere member, recently stocked it with thirty-seven mountain trout, the survivors of 400 which they carried there.

The Holmes Comet in Sight Again.

SAN FRANCISCO, Jan. 17.—The following was received from Prof. Holden of the Lick Observatory last night:

"At 8:30 o'clock to-night Mr. Barnard found that the Holmes comet had undergone another remarkable change. The comet is now again visible in a very small telescope. In such an instrument it appears like a hazy star of a seventh or eighth magnitude. In a twelve-inch telescope it is small, round, and strongly condensed with small nucleus. The micrometer measures its diameter at twenty-eight seconds arc. It has been cloudy here for several days, and the comet could not have been seen until to-night. The position of this wonderful comet at Greenwich at noon on Jan. 17 will be right ascension 1 hour 22 minutes, north declination 33° 39'. It is moving slowly east."

To Have a Chance to Vote on Consolidation.

ALBANY, Jan. 17.—State Engineer Martin Schenck, who is an ex-officio member of the commission to consider the advisability of consolidating New York and Brooklyn, in his annual report to the Legislature of the work of his department has this to say of the Greater New York project: "Consolidation in some form seems to be most desirable, and to that end the necessary legislation to enable the several cities and towns interested to express their approval or disapproval of the scheme will be asked of your honorable body at this session. As consolidation is a matter of the greatest interest to all concerned, it is hoped that such legislation may be had as will enable the citizens to express through the ballot their views in the freest and fullest manner."

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GOES FOR HELP AND IS SHOT.

YOUNG FARMER HARTRUM MISTAKEN FOR A BURGLAR.

His Sleigh is Upset in a Drift and He Wakes Up Farmer Waldron—After the Shooting, Left to Lie in the Cold Until Daylight.

SOMERVILLE, N. J., Jan. 17.—Henry Waldron, a farmer who lives three miles distant from Woodhouse station, shot Philip M. Hartrum last night. He lives in a story-and-a-half frame house, which would not appear to be very attractive to a burglar. Still, several petty burglaries have occurred in that part of the country, and this fact may account in part for a somewhat remarkable occurrence. Mr. Waldron is about fifty years old, with gray hair and a resolute look. While telling the story to the writer to-day he was very nervous, which was caused, perhaps, by the great degree of notoriety the shooting has brought to him. A crowd of villagers surrounded him while he spoke.

He was awakened, he said, between 11 and 12 o'clock last night by a fumbling at the back door of his house. He sleeps on the ground floor in the next room to that occupied by his wife and daughter, who is 16 years old. Thinking the noise was made by the women folks, he lay still until he heard the door key drop out on the kitchen floor. Then jumping up, and hastily slipping on his trousers, he seized his shotgun and stepped lightly out into the kitchen, at the same time calling to his wife. The persons outside left the door and crouched on one corner of the stoop, where Waldron heard them talking to themselves. On drawing aside the window curtain, Waldron saw one of two men start and run off the stoop toward the back gate.

Bringing his gun to his shoulder, he fired through the window, and the man fell moaning in the snow. The other one, after returning the farmer's fire with a shot from a small pistol, fled.

The injured man did not remain long on the frozen ground, but dragged himself to the back door and begged that he might be taken in. This the farmer refused to do, compelling him to lie on the stoop in the bitter cold until daylight, when he took him inside. The wounded man refused to give his name or say anything about his companion, and