LEADING MERCHANTS
And
INTELLIGENT READERS
Are
THE SUN'S
CONSTANT PATRONS,
EACH APPRECIATES THE OTHER.

The Sun.

THE WEATHER PREDICTION
For New York and Its Vicin'ty:
Fair; northwesterly winds.

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AMEND THE CONSTITUTION.

SENATOR DAVID B. HILL SPEAKS IN STRONG TERMS.

Section 23 of Article III. Ought Never to Have Been Incorporated in the New Constitution—A Dangerous Power to Trust in the Hands of Any Tribunal—The Power to Make the Organic Law Belongs to the People and Should Not Be Delegated—The Section in Which Danger Lurks Should Be Expunged.

If there be a doubt in any person's mind as to the dangerous character of section 23 of Article III. of the new Constitution, conviction must follow the reading of the following interview with Senator David B. Hill.

Senator Hill was seen in Albany and THE SUN'S criticisms of this objectionable portion of the Constitution was laid before him.

Section 23 of Article III. of the new Constitution authorizes the Commissioners to revise the statutes, alone to suspend or nullify sections 17 and 18 of the same article when they report a bill or an amendment relating to any subject embraced in these sections. Section 18 contains all the valuable prohibitions against the passing of private bills and special legislation which costly experience made it necessary to incorporate in the fundamental law of the State.

"It must be evident to every thoughtful man who has read THE SUN'S recent article entitled 'An Extraordinary Development Relative to the New Constitution,'" said Senator Hill, "that the retention or insertion of section 23 in that Constitution was either a blunder or a crime. I am inclined to think that it was the former.

"This conclusion is more readily reached from the numerous blunders which concededly exist in that instrument, consisting of incongruous, defective, and inadequate provisions, as well as the omission of essential conditions and directions—blunders so conspicuous and vital that they involve the very legal existence of the present Legislature, as well as the tenure of office of all the additional judiciary which was sought to be provided.

"It seems to be admitted from the statements of several active and intelligent members of the Constitutional Convention that the section in question was not discussed in public debate, nor was much or any consideration given to it in committee, nor its object or effect particularly explained in any written report; thus leaving the impression that it must have been inserted surreptitiously, of which, however, there is not sufficient evidence to justify so harsh a conclusion, or that it crept into the Constitution inadvertently, which seems more probable.

"It is true that the leading and controlling spirits of the Convention were Republican lawyers whose corporate and individual clients have usually been largely interested in the securing of valuable street and other franchises from municipalities, and whose selfish schemes would be promoted by the breaking down of the barriers and safeguards provided for the protection of the people's interests under the restrictions upon legislative power embraced in section 18; and yet the fact that section 23 was not a new invention concocted by them, but was a part of the amendments adopted in 1874 and improperly, unnecessarily, and unwisely retained, tends to strengthen the conviction that the objectionable and dangerous section was unwittingly rather than corruptly or designedly incorporated in the revision, although it must be confessed that this is the charitable rather than the natural construction of so extraordinary a procedure.

"The exceptional circumstances under which this section was adopted as a part of the Constitution in 1873 did not justify its readoption now. It may well be urged that it was of doubtful propriety even in 1874, although not regarded as positively dangerous, but it was rendered more acceptable from the fact that the limitations upon legislative authority contained in section 18 were new, largely experimental, and unusual in their character, and, although reformatory in their nature and deemed essential for the promotion of better government, yet not having been tested by actual experience, it was naturally felt that some modifications might be demonstrated to be necessary or desirable, and in that event the twenty-third section would operate as a convenient channel for their procurement. It was well understood that the revisers' work was then nearly completed, and at the most the provisions of the objectionable section for any practical purpose would be but temporary; and that work had met the general approval of the legal profession, the then Commissioners, from their long experience and high standing at the bar, possessing the fullest confidence of the people, who were seemingly ready to trust them even with the exercise of powers of questionable propriety, which ordinarily ought not to be conferred upon any tribunal of three persons.

"The extraordinary powers were, however, never exercised, and it is immaterial now to inquire for what reason. It may be that the excellent provisions of section 18 had proven so valuable and indispensable to the taxpayers of municipalities, that no one had the hardihood to venture a suggestion for their abolition or modification, but it is sufficient to know that they were never disturbed, and that section 23 (formerly section 25) which conferred the remarkable powers mentioned became virtually obsolete upon the termination of the labors of the Commissioners.

"The reasons which induced or tolerated the adoption of section 23 (formerly section 25) in 1874, were not operative in 1894—after the lapse of two decades—and after the vital and inestimable restrictions of section 18 had demonstrated their usefulness, after the old Commission had ceased to exist, and a new Commission, of uncertain tenure, had been created, not appointed by the Legislature but by the Governor.

"But the unwise precedent of 1874 should not have been followed, even if any or all of the reasons which then excused its adoption still existed.

"The Constitution of a State should not be uncertain, variable, or unstable. It should not be easily changed. It should not depend simply upon the judgment of three lawyers, followed by the approval of a single Legislature, without any action upon the part of the people. The authority to make the organic law of a State—its Constitution—is peculiarly a function of the electors, and it ought never to be delegated. The corruption, the caprice, the fickleness, the prejudice, the incompetency, or the partisanship of one Legislature, cooperating with a Board of three persons—a partisan Board—a Board in which the minority are without a single representative, ought not to be capable of imposing upon the State important provisions of a Constitution upon which the people have never explicitly passed.

"It is a dangerous power to lodge in such a tribunal, even conceding the ability, the honesty, and the fairness of a majority of its members.

"It will startle the people of this State to be informed that under our revised Constitution for which they blindly voted last fall in the pursuit of the *ignis fatuus* of 'reform,' the present Legislature with its unsavory record, its corruptions, its reckless violations of vested and political rights, a Legislature in which the honest and fair-minded men of the State have now lost all confidence, has nevertheless the power, upon the simple report of the present partisan Commissioners of Revision, to repeal, modify, or render nugatory all of the safe-guards which at present pertain to municipal franchises, and all the restrictions upon private and local legislation so carefully preserved under the reformatory provisions of section 18—and this can be done without any submission to the people, and by one mere legislative enactment.

"The contemplation of this dangerous and extraordinary power impresses us with the capriciousness, the mutability, and unsettled character of some of the most important provisions of our Constitution, and intensifies our interest in this subject.

"Under the existing situation we are liable to be awakened any morning and discover that without any previous notice, without any hearing, and without any discussion (because the 'previous question' is now in force in both Senate and Assembly, and is being invoked more freely than ever before) the Legislature has actually amended the Constitution of our State in some of its most vital features.

"The anxiety of the people would be further increased when they discovered that there was no immediate remedy for such an awkward dilemma.

"I affirm that it is not only inappropriate, but positively perilous that one portion of a State Constitution—especially an important and vital part—should be more easy amendable than another portion, and that any part should be changed without the final approval of the electorate.

"The Constitution of 1846, framed by able and patriotic men, wisely provided that it should not be amended except through the action of a Constitutional Convention expressly chosen by the people, or by the action of two Legislatures, subsequently ratified by a vote of the people.

"That method cannot well be improved upon, and is certainly far preferable to the scheme, devised in 1874 and either inadvertently or deliberately retained in 1894, which absolutely deprives the people of the right of final approval before certain amendments shall be deemed incorporated in the fundamental law of the State.

"It is clear that section 23, with its dangerous possibilities, should be eliminated, and a movement to that end should be promptly inaugurated in which all good citizens may join.

"It is no answer to say that the people, by voting last fall for the revised Constitution as a whole, delegated to a revision commission and to a single Legislature the propriety of determining what amendments, if any, are needed in the future to section 18 of the Constitution.

"Public attention was not called to the peculiar features of section 23; they were not discussed by anybody; nobody attacked and nobody defended them, and it may be safely asserted that they were not thoroughly understood until now, when THE SUN has patriotically called attention to them; and, besides, the official canvass discloses that about half a million voters of the State did not vote at all upon the question of constitutional amendments. Clearly, then, the question is entitled to be heard *de novo*.

"Neither does it matter that the present Revision Commissioners, whose names and residences are as follows: Charles Z. Lincoln of Little Valley, Cattaraugus county; William H. Johnson of Oneonta, Otsego county, and A. Judd Northrup of Syracuse, Onondaga county; recently appointed by Gov. Morton, may be perfectly capable men and entirely above suspicion, although they are three zealous partisans. That is not the point involved. If they were all well-known lawyers of high standing in the legal profession and of large experience in public affairs, the objections to their being intrusted with functions which peculiarly belong to the people in their sovereign capacity, still exist and cannot well be obviated. They should not be subjected to the temptations incident to the discharge of such vast responsibilities as are necessarily involved in the framing or inauguration of amendments to a Constitution, a duty which should not be intrusted to or imposed upon a partisan tribunal of three persons.

"It may also be pertinently suggested that these Commissioners were not in office when the revised Constitution was voted upon and adopted, but have been subsequently appointed. The section of the Constitution is as follows, viz: 'Section 23. Sections 17 and 18 of this article shall not apply to any bill or the amendment to any bill which shall be reported to the Legislature by Commissioners who have been appointed pursuant to law to revise the statutes.'

"The question naturally presented is whether the present Commissioners of Revision are those 'who have been appointed' within the meaning of section 23; and also whether that section does not contemplate Commissioners whose exclusive functions are 'to revise the statutes,' and who must have been appointed for that purpose alone, and not Commissioners whose duties are to advise the Legislature and Governor, upon pending legislation, as the present Commissioners are required to do.

"These questions will arise and must be determined whenever the present Commissioners shall assume to report amendments which conflict with the provisions of sections 17 or 18 of the Constitution. I trust that none such will ever be reported, but whether they are or not, and whether the practical dangers apprehended are proved to be real and substantial or to some extent speculative and imaginary, there can be no dispute among thinking men that section 23 ought never to have been incorporated in the Constitution, and would never have been adopted had the people fully realized for what they were voting. The safety of the State will be subserved by its elimination, and to this end the efforts of all good citizens should be directed."

BISHOP POTTER ON STRIKES.

He Thinks Arbitration a Great Advance in the Interest of Labor.

The differences between the marbleworkers' unions and the Marble Industry Employers' Association, arising out of the recent building trades' strikes, are now being arbitrated by committees representing both sides, with Bishop Potter as umpire. Several meetings have been held and a good deal of evidence has been taken. Bishop Potter will give his decision some time this week after a final hearing. Bishop Potter yesterday expressed the opinion that the trouble would be satisfactorily adjusted.

"I was a good deal impressed," he said, "at the sound common sense of the workingmens' committee when it came to giving its side of the trouble. I believe that a great many strikes are due to misunderstandings. All this might be avoided in many cases if the parties came together and discussed the matter in dispute without prejudice before a third party who had no bias."

"Do you believe the sentiment in favor of arbitration is growing?" asked the reporter.

"Undoubtedly. Both sides are realizing the great waste of time and money entailed by strikes. I think there will be fewer strikes in the future, and that the workingmen have learned a good deal by the strikes of the past. The employers also have learned a good deal. The settling of labor disputes by arbitrament is sure to bring employees and employers into more cordial relations."

Bishop Potter said that there were a great many perplexing points in the marble workers' troubles. There were grievances, but he thought that they could be remedied and that the employers had no idea of acting otherwise than fairly with the men. The Employers' Association's committee consists of Builders Robinson, Wells, and Eidlitz, and Delegates Downs, Anslow, and Lydd represent the workmen.

SPOTTER AT THE STAGE DOOR.

Wood Carver Bausch Relieved of a Disagreeable Office.

At the meeting of the Central Labor Union yesterday Delegate Bausch of the Wood Carvers reported for a committee appointed to find how many union people are employed in Keith's Theatre in Union square.

"We found," he said, "that there were non-union people employed there, but could do nothing about it. I don't like standing at the stage door asking every lady as she comes out if she belongs to the union. It isn't my style. I want to be relieved from the work, and to have the committee discharged."

The C. L. U. decided to discharge the committee.

A Pilot Boat Rams a Ship.

The pilot boat James Stafford, No. 18, ran into the German ship Emma on Saturday evening while making anchor off Stapleton, S. I. The boat mistayed and smashed the ship's yawl and a portion of the rail.

GEN. GOMEZ'S BIG VICTORY.

HE HAS KILLED AND CAPTURED OVER 1,000 SPANISH TROOPS.

A Big Battle Fought at Boryey, in Which Gen. Salcedo Is Badly Defeated—Cuba's Patriots Confident of Ultimate Success—The Maceos, Gomez, and Marti Are in the Field with Nearly 5,000 Armed Men—All Are in the Two Eastern Provinces of the Island—Telegraph Wires Cut—There Is No Communication Between the North and South Coasts of the Disturbed District—The Best Men in the Island Joining the Insurgents Every Day—Spanish Troops Pouring In, Too.

JACKSONVILLE, Fla., May 12.—A special from Tampa, says:

"Private advices received here from the Cuban revolutionary leaders say a big battle was fought at Boryey, province of Puerto Principe, between Gomez, the Cuban leader, and Salcedo, the Spanish commander.

"Gomez was victorious, annihilating the Spanish troops, killing and capturing more than a thousand men and great quantities of ammunition and army stores. The battle lasted four hours and was hard fought."

SANTIAGO DE CUBA, May 4.—Spain is throwing troops into the province of Santiago at the rate of two or three thousand a week, but the insurrection is growing apace. For six weeks following the rising of Feb. 24, little progress was made by the dare-devil patriots who took to the woods in squads of a dozen to a score, and who lacked arms, ammunition, and intelligent leadership. Few of the whites who went out remained when they found themselves associated with bandits and shiftless blacks with mulatto leaders. The Government troops and Civil Guards suppressed incipient risings in Matanzas, Puerto Principe, and near Havana, and the better class of Cubans all over the island belittled the movement and said the time was not ripe for another war.

Only in the eastern district did the men remain in the field and defy the mother country, but their number grew less instead of greater, and even their strongest supporters shook their heads and said that Cuba would never be free.

Within ten days the situation has completely changed, and in Cuban circles, where there was no hope, is now absolute confidence of ultimate success. The two Maceos, Antonio and José, after terrible hardships in the mountains and many narrow escapes from Spanish bullets, have reached the place from which insurgent operations are to be conducted, and have been joined by Maximo Gomez and José Marti, who eluded men-of-war on the sea and troops on the land. With these leaders at the front, there has been a rapid growth in all the insurgent bands in this province, and the concentration of forces in the vicinity of Jarahueca this week shows that Maceo now has 3,000 men with him, and there are nearly 2,000 others under arms in other parts of the province. José Maceo, with 800 men, is near Guantanamo, Masso has 500 in the Manzanillo district, and there are half a dozen small bands scattered about on the north side and near the Puerto Principe line.

From this city eighty men left to join Maceo on last Wednesday, and more are preparing to leave. Thirty of those who went were white and belonged to the best families here. One of them is a well-known physician. Another is the owner of two plantations and a son of one of the wealthiest men on the island. Others are professional and business men. All are armed with rifles and revolvers. Francisco Valientes, Colonel in the last war, led them. Maceo sent a squad of mounted men to meet the recruits just outside of the city, and they are now with him.

After the conference with his chiefs at Jarahueca, in the mountains twenty miles northeast of Songo, Maceo moved westward, camping one night at Triompe plantation, and passing on toward Santa Ana, where he now is with a force variously estimated at from 2,000 to 4,000 men. Goulet's band of 1,000 men is with him. Maceo's movements have been in the direction of San Luis, the terminus of the railroad which runs from here. As Santa Ana is only ten miles away, the Government moved all available troops to San Luis, evidently expecting an attack upon that town. Four small triangular forts have been built of planks filled in with earth, in positions which command the approaches to the town. A rough breastwork of logs has been thrown up in front of the barracks. Nearly 1,000 Spanish troops are now at San Luis. Songo, the terminal point of the branch of the railroad, is another danger spot, but the troops have been withdrawn from there to strengthen the garrison at San Luis, and it would not be surprising if Maceo swooped down upon Songo first. Cubans here say that Maceo will strike a strong blow within a few days, in order to let Cubans in other parts of the island know that he is here and means business.

Gov. Garrich sent for the brothers of some of the young Cubans who went away on 1st inst., and asked them if they knew of the matter in advance. One of them replied that he not only knew of it, but knew also that half the Cubans on the island talk of going to join Maceo before many days.

Gen. Martinez Campos has been expected here for three days.

The cutting of telegraph wires inland leaves all of the north-coast cities outside of communication, and the Government is now talking about laying a cable around the island. The forces on the north and south sides of this province are compelled to act independently of each other, and a part of the Government plan is to have the forces act jointly. Troops are being pushed inland from Gibara to Holguin and beyond, and from Manzanillo to Bayamo and north to meet the others and form a line across the island. All the recently arrived troops are sent away to carry out this plan, leaving very few men for garrison duty here and along the railroad. The Cuban residents say that Maceo is fully advised of this, and may decide to attempt the capture of this, the second city of the island. Some color is given to this conjecture by the fact that Maceo has issued an order to all chiefs to gather in horses, as he desires to mount 1,000 men to form cavalry.

There are ten cases of yellow fever in the hospital here. The patients are all soldiers. About three die every week now from the fever. At Guantanamo the hospital is full of soldiers. Most of them have an intermittent fever. Exposure to the night air and rain in the interior brings it on.

Manuel Fuentes, the young Cuban reporter, who was arrested at Guantanamo, is an American citizen. He is the son of New York parents, and has lived in the United States since he was five years of age. When the war broke out he presented himself to the American Consul here and produced credentials from a New York paper. The Consul became security for two horses for Fuentes, and, with a negro guide, Fuentes rode out and joined the insurgents. He has never returned the horses, and as far as can be learned has devoted his energies more to aiding the rebel cause than to obtaining news. He has been permitted to pass between the lines several times. Each time he has told such monumental lies about movements in the interior that he has been regarded as either a lunatic or a fool. He was arrested on the steamer Mortura coming here from Guantanamo. He boasted in the presence of several Spanish officers of having been with Maceo, Gomez, and Marti; and, after insulting the officers by ridiculing the Spanish army, he said he was engaged in purchasing arms and ammunition for the Cubans. Finally the Captain of the steamer ordered him arrested at Caimanera, the port of Guantanamo. Besides the incendiary talk, the Government charges him with having furnished horses to the insurgents. He is now at El Toro, the fortress at Caimanera. The American Consul is waiting for an official notice of the arrest before taking action.

The American residents have taken up a subscription for food and clothing for Bolton and Richlion, the two American sailors who are released from jail, but are detained here indefinitely pending their trial.

SANTIAGO DE CUBA, May 12.—Captain-General Martinez Campos left this city last evening, going westward. It is believed that he intends to visit Manzanillo.

SLADE, SLATE MEDIUM, TURNS UP.

Had a Stroke of Paralysis in Broadway Last Night—Out of Sight of Late.

"Dr." Henry Slade, the "spirit medium" who interested some New Yorkers with his little slate twenty-three years ago, showed his tricks later to several affable "crowned heads" of Europe and got into jail in London as a vagrant, returned to New York yesterday after an absence of years. Last night he slept on a cot in Roosevelt Hospital.

He was walking at Broadway and Fifty-ninth street at 6:40 P. M., when he suffered a slight stroke of paralysis which affected his speech. A policeman had him sent to the hospital and reported at the station that he was insane.

But he wasn't. He will be out in a few days. His hands are browned as if he had been working for a living recently. He has been living in the West several years.

It was in 1876 that he took his little slate and went to Europe.

In London, just then, mediumistic miracles were having a boom. He not only produced a "profound impression" on the usual peep-show circles, but he even got from the celebrated Dr. Carpenter a confession that he was "very much shaken" in his disbelief in the marvels of spiritualism.

But on Sept. 11, 1876, Prof. E. Ray Lankester, F. R. S., at the request of Serjeant Cox, attended one of Slade's "manifestations," returning again on the 15th accompanied by Dr. Horatio R. Donkin. The first visit enabled the Professor to form the hypothesis which was proven in the second. The result was the signal downfall and subsequent arrest of the medium.

The manifestations were conducted in a well-lit sitting room. The medium and his dupe took their seats at a table. A common slate was produced and a small piece of slate pencil. Slade first showed the witness that there was no writing on either side of the slate.

One face of the slate was then pressed against the lower surface of the table so closely that no hand or finger could be introduced between them. Between the slate and the table was the little slate pencil, which was supposed to do the writing guided by spirit hands.

A noise as of the scratching of the slate pencil was heard, and, when the slate was removed, a message was found written on one or other of the two surfaces.

Prof. Zankester watched the whole performance closely, simulating the while the utmost amazement and the most reverent credulity. His observations on the first visit led him to suspect that the first message (which appeared on the side of the slate not in opposition to the table) was written with one of the fingers which the medium held the slate in position. As regards the other messages, he believed that Slade wrote them on the slate, on his knee, before applying the slate to the table. Prof. Zankester noticed that there was always some delay between the showing of the clean slate and the placing of it in position under the table.

During this interval Slade used to make remarks in a loud voice and to clear his throat with a singularly rasping sound. This led the Professor to believe that he was trying to drown some noise, and on listening carefully he distinctly detected the scraping of a slate pencil.

He also observed that the muscles of the medium's arms moved as if he were writing. In the second visit, when the Professor was accompanied by his friend, according to a prearranged plan, he seized the slate just before it was placed under the table, when the medium pressed it as if it was free from writing. The message was found written on the upper surface.

On further investigation it was found that Slade held a little fragment of slate pencil under the nail of his middle finger. With this he made the scraping sound when the slate was against the table, and, furthermore, wrote such messages as appeared on the lower surface of the slate.

The trick was exposed in the *Times*, the authorities were notified, and Slade was brought before Magistrate Flowers in the Bow Street Police Court under the Vagrancy act, which makes an offence of obtaining money by practising "palmistry."

The magistrate sentenced him to the extreme penalty—three months' confinement, with hard labor, in the house of correction. On appeal the case was argued on Jan. 29 in the Middlesex Sessions and Slade was discharged on account of a defect in the wording of the commitment.

Then Slade went to Russia. Dr. Henry J. Newton, President of the First Spiritualist Society of this city, said last night that somebody at the Court of Russia wrote to him (Newton) as founder of the Theosophical Society, saying that the Russian Court wanted to see a good, reliable medium perform, and that if such a one could be sent $1,000 would be paid for his expenses.

Mr. Newton caused Dr. Slade to be selected. It was while he was on his way to Russia that Dr. Slade stopped over in England. But he went to Russia, and there exhibited.

He stayed a while in Leipsic and exploited certain ideas about the fourth dimension of space. Subsequently to Slade's experiment Prof. Zöllner wrote a book entitled, "Transcendental Physics." Slade also showed his tricks in Paris.

TOOK MOST FOR A MUGWUMP.

A Military Man Wastes a Eulogy of Admiral Meade on the Anarchist.

Herr Johann Most, the bombastic Anarchist, sank into a corner seat of the smoking car on the 3 o'clock express for Boston on the New York, New Haven and Hartford Railroad which left the Grand Central Station yesterday. He was evidently on his way to New Haven to participate in an anarchistic symposium. He had no sooner sat down than his head bobbed forward and he fell into a deep sleep. Herr Most's Saturday night sessions in a Park row resort are usually very exhaustive as to argument, and he was apparently recuperating.

As the train pulled out of the tunnel and passed over the Harlem a tall, corpulent passenger with iron-gray hair and military moustache exclaimed in loud tones:

"Admiral Meade's the sort of man that makes me proud that I am an American. He is a patriot to the backbone, and there's none of your crawfish Mugwump blood in him."

The military looking man had been talking quietly to a young man across the aisle previous to this, but after he made the exclamation he jumped to his feet. His eyeglasses, which rested on the tip of his nose, popped off, and he strode up and down the aisle, addressing those in the car indiscriminately.

"I tell you it makes a man ashamed to admit he's a Democrat to see his Administration browbeaten by England and bullyragged by Spain. I went to the war when I was 17 and fit through to '65, and I'll fit again if we get men with sentiments like those of Admiral Meade. I used to be a Democrat, but now I'm a black dyed-in-the-wool Republican, as black as the hinges of hell—d'ye hear."

The impromptu orator was standing before Herr Most as he got off his peroration, but Most was in the Anarchist Utopia and was oblivious to everything else.

"I say Meade's an American to be proud of—you hear me!" yelled the orator, "and with men like him we can lick any nation on earth, and don't you forget it."

"Das geb ich nichts d'rum der ganze land belongs to der people und Die Freiheit," murmured the anarchistic hallucination between snores and a sleepy wave of the hand.

This argument was too much for the military looking man, and he wandered down the aisle and exclaimed:

"That man asleep up there must be a Cleveland officeholder."

RAPPENHAGEN ARRESTED.

The Excise Witness Caught Selling Liquor Without a License.

John W. Rappenhagen, who testified before the Lexow committee that he was treasurer of the $15,000 fund raised to make Sergeant Creedon a Police Captain, was a prisoner in the Essex Market Police Court yesterday on a charge of violating the Excise law by selling liquor in the saloon at 321 Broome street without having a license.

A few days ago the reform Excise Board refused to grant him a license, because his testimony before the Lexow committee showed him to be an undesirable person. The arrest was made by Policeman Baker of the Eldridge street station. Rappenhagen pleaded not guilty.

HIS HAT BLOWN OUT OF A WINDOW.

He Put His Head Out to Look for It and Hit an Iron Pillar.

While Aaron Wirth, 64 years old, of 8 Moore street, Williamsburgh, was riding on a trolley car of the East New York line yesterday, his hat blew out of a window, in Broadway, near Stewart street. He put his head out of the window to see where his hat had gone, when his head came in contact with an iron pillar of the elevated railroad and he was knocked senseless. He was carried off the car into a store and an ambulance summoned. Surgeon Gleen of St. Mary's Hospital found that Wirth's head was badly cut, but that the skull was not broken. After treating him he took him home.

Crescent Bicycles—Nos. 1 and 4, $75.
Try them and buy them at Bowman's, Broadway and 55d st., and Spaldings', Madison Square Garden.—Adv.

PINNED UNDER AN ENGINE.

NERVY ENGINEER LEIBENSBERGER BOSSES HIS OWN RESCUE.

Flames from a High Pile of Wrecked Freight Cars Containing Lard and Hay Threaten Him for Hours as He Lies—He Dies After His Rescue—Effective Work of a Bucket Brigade 400 Strong.

Engineer Jacob Leibensberger of the Lehigh Valley freight train that was wrecked in the outskirts of Newark on Saturday night died at the St. Francis Hospital, Jersey City, yesterday afternoon at 1 o'clock of contusions received on his chest, back, and head. He was one more example of the plucky men that have charge of locomotives. For four hours he lay with one leg pinned between the cab of his engine and a railroad tie and with a fire raging in a huge pile of freight cars within a few feet of him and threatening each moment to reach him. Yet he remained cool and collected all that time in spite of his suffering and directed the work of the men who were striving with might and main to release him. Although his leg was tightly pinned, the bone was not crushed.

When the train struck the open switch it was running over thirty miles an hour. As the heavy engine struck the soft earth its drivers sank deep into the soil, and with a lurch it toppled over on its right side. The train of twenty-nine cars, heavily loaded with meat, lard, and hay, rushed on it, and eleven of them formed a high pile over the tender. There was a rush of scalding steam, the red-hot coals of the firebox were scattered through the heap of smashed cars, and in a minute they were in flames.

As the engine left the track, Albert M. Runyon, the fireman, jumped and escaped with nothing worse than painful bruises. Louis Bartholomew, the head brakeman, and William Kester, the conductor, were standing together on top of one of the forward cars. Both of them jumped. Bartholomew landed on his head, and was injured so severely that he died in the Newark City Hospital at 6 o'clock yesterday morning. Kester landed safe, but was surrounded immediately by burning débris and enveloped in a cloud of steam which burned and scalded him severely.

Engineer Leibensberger also jumped, but the engine fell over on its side, and he was caught fast as he fell. Benjamin Bartholomew, the flagman, and a brakeman named Duffner were in the caboose in the rear and were not hurt.

The place where the accident occurred is a lonely spot in the meadows, with few houses within the radius of a half mile. But an alarm was sent in to Newark from the signal tower, and soon Capt. Daly of the Third precinct station with a squad of men was hastening to the scene, and the flare of the flames from the burning cars brought many other persons. Although the place is nearly a mile from the town proper, it was but a few minutes before a big crowd was on hand to help rescue the imprisoned engineer.

A train bound from Elizabeth to Newark on the Central Railroad, which crosses the Lehigh just below the place where the wreck was, came along shortly after the accident and Conductor Robert Prall stopped it long enough to send over all the buckets and tools he had on board.

In the mean time the fire was swiftly nearing the engineer. Something had to be done, and quickly.

"Keep off the fire, boys," said Leibensberger, "Keep off the fire and get a jack-screw and try to lift up the engine a bit so I can get my leg out."

The men went to work with a will. From all the houses within a mile buckets were brought. An alarm of fire had been sent in and four fire companies started for the wreck, but could not get their apparatus nearer than half a mile owing to the softness of the meadow. They brought their buckets, however, and soon a bucket brigade, 400 strong, was passing water from a nearby ditch to the burning wreck.

The flames went higher and higher, lighting up the flat, wet meadows for miles around, and in this light could be seen the ducky figures of the crowd working with their buckets to save a man's life. In spite of their efforts, every now and then a great volume of flame, fed by the lard, would roll out as if to destroy the workers at one stroke. Each time the fire was driven back as if by main force.

A number of men got a light jack-screw and tried to raise the huge mass of metal. They might as well have tried to raise a mountain with it.

All this time Leibensberger lay and superintended the work. He was cooler and more collected than any of the men about him.

"Get shovels and picks, boys," he ordered, "and dig this tie out from under my leg; then I can get out."

The rescuers seized on the idea and began to work with renewed hope. But fate was against them. The fire got beyond the control of the bucket brigade and drove them away by its intense heat. Again all hands turned to fight the fire, and again, after a hard struggle, it was beaten back.

The wreck had occurred at 10:30, and it was now after half past 1. Three hours had passed, quickly enough to those at work, but like eternity to the man that was pinned to the earth, who was growing weaker and weaker. Still he kept his wonderful nerve.

"It's no good boys," he said, "get a surgeon and have him cut off my leg. I can't stay here to be burned."

"Brace up, old man," cried men in the crowd cheerily, "we'll have you out before long. The wreckers are due here every minute."

Finally Leibensberger fainted dead away. Dr. Hopkins, a Newark physician, gave him stimulants. When he revived, he looked up and said with a little smile:

"I can't stand this much longer. You must hurry."

About 2 o'clock the fire again got the better of the brigade, and it seemed as if the man was doomed. A call was sent in to Newark for more aid, and a fire engine was taken to the railroad and preparations made to put it on a flat car and carry it to the wreck, but before that was done the wrecking trains had come and there was no need of it.

It was sharp, short work when the wreckers got there. The tie under Leibensberger's leg was got out, and at 2:30, just four hours after the accident occurred, and great cheering, the nervy engineer was pulled out. He was put on a train and taken to Jersey City and put in St. Francis Hospital. His leg which had been pinned down was badly marked, but the injuries about the head and chest were so serious that, with the terrible strain he had undergone, they caused his death.

Both Fireman Runyon and Conductor Kester agree that the signal lights indicated that all was right until it was too late to stop the train, when they were suddenly changed. Towerman White says the danger signal was set in plenty of time. Both Kester and Runyon are doing well and will soon be out. Benjamin Bartholomew, the flagman, whose son Louis died yesterday morning, has been charge of the body and will take it home to South Easton. He had a wife and one young child.

Leibensberger leaves a wife and a family of grown-up children. He lives in South Easton. He had worked on the road for a long time and was considered one of its best engineers.

The piece of road on which the wreck occurred is new and is used exclusively by freight trains, the passenger trains using the Pennsylvania tracks through Newark. The road was open for traffic at 8:30 yesterday morning.

TO INSTALL SACHEMS TO-NIGHT.

It's Expected that Richard Croker Will Be Here to Be Installed in June.

The recently elected Sachems of the Tammany Society will be installed at a meeting to be held at the wigwam in Fourteenth street this evening. The Sachems so installed will meet a week from this afternoon at 4 o'clock to organize by the election of a Father of the Council, a Scribe, and a Grand Sachem. Ex-Recorder Frederick Smyth is the only candidate mentioned for Grand Sachem, and Maurice F. Holahan will probably be reelected Scribe. Judge Leslie Welde is spoken of as Father of the Council.

There is a general belief that Richard Croker will be installed as a Sachem in June, for it is understood that he will spend five or six weeks of the summer in personally assisting in the reorganization of the Tammany Hall political organization.

ELKINS IS COMING.

Wants to Know if Platt Will Swing New York in 1896.

The Hon. Stephen B. Elkins, the new United States Senator from West Virginia, will be in New York to-morrow. He has been out West declaring for free silver. He is a candidate for the Republican Presidential nomination. In 1888 he had a serious quarrel with Thomas C. Platt. Mr. Elkins now wants to ascertain the prospects of Mr. Platt's controlling the delegates from New York State to the Republican National Convention. Mr. Elkins, his friends said last night, believes in thorough and early work.

EXPLOSION UNDER A CAR.

The Gas Tank of a Pullman Coach Destroyed—One Man Slightly Bruised.

The gas tank which supplies the Pullman palace car Tagus exploded last night in the Pennsylvania Railroad depot in Jersey City and created a sensation, although the resulting damage was very slight. The tank is under the car. An employee of the company, whose name is not known by anybody who was at the depot last night, was filling the tank with gas by means of a rubber tube when the explosion occurred.

A crowd of people were standing inside of the iron gates waiting for trains. Nearly all of them retreated to the waiting room. The excitement extended to the employees of the company, but finally the extent of the damage was ascertained. The Tagus was being made ready to go out with the Washington train, which was to leave at 9:15. There was no one inside of it. John Bryant, one of the colored porters who was standing on the platform of the car when the explosion occurred, was thrown off to the depot platform and slightly bruised. The windows of the car and the windows of two or three other cars standing on the adjoining track were broken.

The company's own fire department under the direction of Fire Commissioner Brennan, who has charge of it, turned out, but there was no need of its services, as all the trouble ended with the explosion. Assistant Depot Master George H. Thomas had the Tagus pulled out and replaced by another car, so that the departure of the train was delayed only three minutes.

IN DEATH NOT DIVIDED.

Mrs. Blankman, Who Was Expected to Go First, Survived Her Husband by a Day.

There will be a double funeral from the home of Edmon Blankman, 206 West 123d street, to-morrow afternoon. Mr. Blankman, who was a lawyer with an office at 229 Broadway, died of heart disease on Saturday morning, and his wife died of cancer yesterday morning. Mr. Blankman was 65 years old and his wife was 57. They had been married thirty years, and were devotedly in love to the last. He was much worried because of her illness and could not be kept from her bedside. It was expected that she would die first and that the shock to him would bring on a fatal attack of his malady. Several days before he died he was prostrated, and on Friday he became unconscious. After her death his widow, who was acutely conscious of what was going on, asked to be taken into the room where her husband's body lay, so that she might look at it. She had her wish, and two hours later she died.

M. RIBOT THREATENED.

Socialists Insult Him in Bordeaux—Twenty Men Arrested.

PARIS, May 12.—M. Ribot, the Prime Minister and Minister of Finance, is visiting Bordeaux. At a banquet given in his honor this evening he made a speech, in the course of which he said that among the means proposed to meet the deficit of 33,000,000 francs in the revenue was a plan to make the tax on foreign securities held in France more proportionate with the tax levied on French securities.

As M. Ribot was leaving the banqueting hall for his carriage, a small crowd of Socialists who had assembled in the street hooted and threatened him. The noisy demonstration lasted until the police who were present charged upon the crowd and dispersed them. Twenty of the more violent members of the mob were placed under arrest.

PROSPERITY IN PENNSYLVANIA.

Trade Seems to Be Booming in All the Western Part of the State.

PITTSBURGH, Pa., May 12.—The *Times* to-morrow will print despatches from many places in Western Pennsylvania, Eastern Ohio, and West Virginia, on the business situation. These despatches show that business is booming at every place heard from and that confidence in the future seems fully restored. Not since the spring of 1893 has such activity been noticed. The revival is not confined to any one line of industry, but to all kinds of manufactures and trade. Near Pittsburgh alone more than 10,000 workmen received an advance in wages during last week.

FROST IN THE WEST.

Gardens and Fruit Injured to Some Extent—Cereals Not Hurt.

OMAHA, Neb., May 12.—There was heavier frost in Nebraska and western Iowa last night than on Friday night. Gardens were damaged to some extent, and fruit also in some sections. Corn and other cereals were not injured.

WICHITA, Kan., May 12.—A very light frost is reported throughout this section last night. Vegetables and tender grass were slightly injured, but no damage was done to other crops.

BARNESVILLE, May 12.—It is feared that great damage was done by the frost of Friday and Saturday nights. Wheat is probably safe enough, but a good deal of early gardening will have to be done over again.

BROWN'S VALLEY, May 12.—This portion of western Minnesota was visited by the heaviest May frost in many years last night. What the damage is to garden truck, young corn, and flax cannot yet be told. The outlook is for another frost to-night.

LANSING, Mich., May 12.—The mercury recorded a drop from 91° on Friday to 28° this morning. Owing to a clouded sky, the damage was reduced to a minimum. Wheat and oats are all right, but market gardening and the fruit crop suffered somewhat.

CHICAGO, May 12.—Despatches from interior points in Illinois indicate heavy frosts last night. Beyond nipping tender garden stock no damage is reported. Little corn or grain is up. Fruit was affected.

A YOUNG BALL PLAYER DROWNED.

Spellman Sprang Into the Water After the Ball and Sank.

Robert Spellman, 19 years old, of 23 Prince street, this city, was one of a party of boys who were playing baseball yesterday afternoon on the Central Railroad grounds at Communipaw. He was playing in the outfield. The batter drove a ball in his direction and he ran to catch it, but it passed over his head and fell into the bay. In his enthusiasm Spellman jumped in to recover the ball. He was seized with a cramp and sank. Some of his companions went to his rescue in a small boat, but he did not come up again. After searching around for about an hour and a half, the body was recovered and taken to Speer's morgue.