KELSEY AGAIN UNDER FIRE

HIS METHOD OF GIVING OUT NEW JERSEY'S STATE PRINTING.

He Had a Favorite Firm, Which Cleared Nearly 300 Per Cent. on the Work—Mr. Kelsey Makes a Statement Regarding the Moneys He Received and His Payments for Clerk Hire—A Job in the Contract for an Electric Light Plant.

TRENTON, May 14.—The session of the Senate investigating committee to-day was duller than usual. The time was spent in finishing the examination of Secretary of State Kelsey concerning his withholding of State moneys until the end of the year and his method of paying clerks. A new line of inquiry was also taken up relative to his withholding orders for stationery and printing from the Comptroller to be given out by contract and bestowing them upon the firm of Naar, Day & Naar of Trenton, at rates which an expert testified were exorbitant and netted the printers an average of nearly 300 per cent., when 33 per cent. was a fair and ordinary profit. The committee also looked into the awarding of the contract for the electric lighting plant at the State House, but went into it only far enough to show that some one had been getting a commission of 25 per cent. from the Edison General Electric Company, which did the work.

At the beginning of the session Mr. Kelsey read a long statement covering the testimony adduced at the last session relative to his withholding the funds of the State and using them as his own. He prefaced it with the statement that he had consulted three lawyers, who agreed with him that the laws justified him in his course. In his statement he argued that the law requiring him to make quarterly reports and payments had been repealed, and that the only law in force required him to make payments at the end of the fiscal year, which he had done.

He said, further, that the law giving him $4,000 a year for clerk hire and a salary of $6,000, required only that he should perform the work of his office efficiently and promptly. If the work cost him less than $4,000 he was entitled to the balance, and if it cost more he would have paid it. Ex-Comptroller Anderson had so interpreted the law in 1881, he said.

In 1889 a law was passed providing that the expense of carrying out the Insurance law should be paid out of the fees, and another law made a similar provision in regard to the Corporation law. He thought he had interpreted these laws fairly. The corporation work was three-fourths of the entire work of his office, and at times took the services of his entire force. In the six years from 1880 to 1885 the increased receipts over 1888 were $332,153, and the expenses charged were but $11,012. He believed all the expenses were covered by the spirit of the law.

He had followed long-established precedent, but notwithstanding this he had just complied with the intimation of the committee and what he believes to be an entirely just public sentiment, and paid into the State treasury the entire balance in his hands collected during the fiscal year to May 1, and has determined to do so monthly hereafter, but without receding from his position that there is no legal requirement to do so.

Counsellor Corbin made a statement in reply, saying that Kelsey's statement did not meet the issues raised. He referred to the laws covering the reporting and payment of fees, which were ignored by the lawyers who drew Kelsey's statement, and said there was not to be found anywhere a repeal of any of the laws which required Kelsey to pay over the moneys at stated times, under a penalty of $500 a day in the case of corporation moneys, and $100 for failing to report the fees of the Prerogative Court, of which the testimony showed he had retained $3,000 to $4,000 a year. The same laws applied to perhaps a hundred county clerks and other officials, and they had made no such misconstruction.

Mr. Corbin then read Mr. Kelsey's statement concerning the amounts he had paid for clerical assistance in his office.

"How is it?" he said, "that you drew $1,828 from the treasury in excess of your expenses in 1889?"

"I paid the expenses of the banking and corporation business, and made no account of the $4,000 appropriated," Mr. Kelsey replied.

"You say that, in 1890, $4,000 was due to you, whether the work costs more or less?"

"Yes, the extra work in the office costs more than $4,000."

"Wasn't it an arbitrary matter with you how much you drew and put in vouchers for?"

"No; I made a fair estimate of the cost of the corporation and insurance business, and charged what I considered fair."

"You have always made a profit of from $1,600 to $1,800 a year out of it, haven't you?"

Mr. Kelsey evaded the question, but finally said: "I did the work, and do now, that whether I did the work, or members of my family, or one clerk or two did it, I was entitled to the $4,000."

"Admitting that to be true, in 1886 you drew $3,156. Can that be a fair allowance for corporation work?"

"I have said it was impossible to separate the work. Sometimes all the clerks were doing corporation work."

"Well, then, the allowance is an arbitrary one?"

"Yes, it is arbitrary," Kelsey admitted.

"The work doesn't appear to be very heavy. Wouldn't it be possible for a single clerk to do it all?"

"No, sir; to charge it to one clerk would make the cost infinitely greater."

"Do these same clerks also did prerogative court business, didn't they?"

"Yes."

"And you retained fees of from $3,000 to $4,000 for that work?"

"Yes."

Mr. Kelsey then explained a payment of $500 made to Clerk Dunning as a reward for extra services, and another to Clerk Johnston when the latter left to become Deputy Insurance Commissioner.

"You gave Johnston $500, and charged the State $1,250, didn't you?"

"Yes."

"Do you consider it fair to make presents at the expense of the State?"

"No, sir; it was not a present."

"But he had his salary. Did he demand the extra amount?"

"I don't remember whether he demanded it, but that's what I have done in public and private life, and I treated the State's money as though it was my own."

"Then you thought Johnston's salary not adequate, suggested Mr. Corbin.

"That's so; he was worth more money."

Mr. Corbin then read the law requiring State officers to submit to the Comptroller annually a statement of the stationery and blanks required by them for the year, and questioned Mr. Kelsey about his having work done privately instead of by public contract. Mr. Kelsey explained that his experience with contract work had not been satisfactory. Joseph L. Naar, whose firm has done the printing for Mr. Kelsey, was called to the stand, and said he had done work for every department of the State Government, but that he had never submitted bids for the work.

Edwin Fitzgeorge was then called as an expert, and testified that 33⅓ per cent. was a good profit in printing, and that work which Naar got $1,777 for cost $468.17, netting him 277 per cent. Another book cost the State $351 and the actual cost was $107, netting 275 per cent. For another book the State paid $4,085 which Fitzgeorge said cost $1,259.79, and he would have printed it for $1,079.60 at a good profit. The total bill of the work examined was $8,397 and the cost $2,559.47, or an average profit of 208 per cent.

Mr. Corbin said that his statement of a few weeks ago that the printing cost the State $200,000 a year had been a safe one, and that he had already shown payments to that amount. The bills shown to-day, he said, do not appear anywhere on the state accounts.

"Why not?" asked Senator Skirm.

"Because Secretary Kelsey has expended the moneys in an irregular and unusual way."

"With a dishonest man these expenses might be $8,000 a year or $80,000," suggested Senator Skirm.

"There is no limit," replied Mr. Corbin.

Mr. Corbin showed that in 1890 Naar, Day & Naar had been paid $16,861 for work given to them by Secretary Kelsey that should have been done by contract; in 1891, $13,514; in 1892, $15,519; in 1893, $18,664, and in 1894, $14,160.

Regarding the Capitol electric plant, Mr. Corbin said the contracts called for its installation for $41,800, but it actually cost about $46,000, and up to 1894 several thousand dollars a year had been spent for supplies.

Mr. Corbin said he had not had time to go to the bottom of the matter, but had discovered that 25 per cent. had been added to the charges over the list prices.

Carl A. Adams was called as an expert electrical engineer, and gave testimony supporting Mr. Corbin's statement. Adams had been approached by a State official, who sought to get him into a scheme to "milk" the State, but Adams refused. One bill of the Edison General Electric Company, the contractors, showed that a commission of 25 per cent. was allowed to ex-Superintendent Ford, and the tell-tale voucher had been altered in some way to get among the Senator's jottings, and Ford did not get the commission.

The committee at this point adjourned until Saturday morning.

WILL THERE BE INDICTMENTS?

The Grand Jury Charged to Investigate the State House Scandals.

TRENTON, May 14.—Justice William S. Gummere charged the Grand Jury to-day to investigate the State House scandals revealed by the Senate investigating committee, and if they found that probable grounds of guilt appear sufficient to justify the presentation of the accused for trial they should find indictments. In his charge Judge Gummere said:

"From information I have received from the counsel of the committee I feel warranted in saying to you that frequent and grave violations of law have been committed by certain of our State officials, and also by persons not connected with the State Government, by which the people of New Jersey have been defrauded of large sums of public moneys. I desire in the first place to call your attention to frauds alleged to have been perpetrated in the purchasing of supplies and in the having of work done for the State. It is said that certain State officers have corruptly conspired with others not in the employ of the State to charge exorbitant prices for work and supplies with intent to cheat the State. If this be true, then not only such State officers, but also the persons doing such work or furnishing such supplies, have violated the criminal law of this State and are subject to indictment."

The charge touched especially the matter of collusion in the securing of contracts for German and other printing, and the alleged perjury of witnesses before the Senate committee in the matter of the coal and other supplies furnished. In conclusion the Judge charged:

"If you should find that any State officer has been guilty of any of the offences to which I have called your attention, you may indict him for malfeasance in office. If his offence has consisted in obtaining moneys from the State Treasury on false accounts, you may indict him for obtaining money under false pretences; and if he has combined with others to defraud the State, he may also be indicted jointly with those others for a criminal conspiracy.

"Any person, not a State officer, who has conspired with others to cheat or defraud the State in the manner which I have already indicated, together with those who were associated with him, may be indicted for conspiracy, and any such person who has knowingly presented to the State bills for supplies which were not furnished, and has received the money for the same, may also be indicted for obtaining money under false pretences."

CENSURED FOR STRANDING THE FOX

Pilot Nicolay Escapes Discipline for Abandoning Her on Rockaway Shoals.

The Pilot Commissioners considered yesterday the case of Pilot David S. Nicolay, accused of negligence in permitting the pilot boat Richard K. Fox to strand on Rockaway Shoals on May 4, and in abandoning her before finding out whether or not she was unseaworthy. Pilot Nicolay owns one-third of the Fox. After she had been abandoned by her pilots and crew Capt. Wilson Frazer of the Rockaway life-saving station and a part of his crew boarded her and brought her up to Staten Island, where she was pumped out.

Capt. Frazer was the chief witness in the case. He said that he boarded the Fox at 6:30 P. M., when the tide was about an hour and a half on the ebb. Capt. Nicolay and his crew were then aboard. He asked Capt. Nicolay if he wanted to be taken off and Capt. Nicolay said he did not. They then prepared to haul the Fox into deep water. The anchor of the pilot boat was taken aboard the surf boat and the surfmen rowed about 360 feet to the southward and dropped the anchor in six and a half fathoms. All hands aboard the Fox hauled on the hawser, but could not budge the boat. At 10:35 that night all hands, with the consent of Capt. Nicolay, left the boat and rowed to the life-saving station. Capt. Nicolay said there was no need of sticking to the ship as things looked. The water had risen above the galley floor, and the prospect of floating the vessel was very doubtful. Later Capt. Nicolay and his men left the station in their yawl and were taken to New York by a passing tug.

The Fox appeared to be afloat at 11:30 in the morning, and Capt. Frazer and his men went out to her. They found five feet of water in her hold. As the water did not gain any, the Captain decided to run the boat to Staten Island. He thinks the air confined in the upper part of her hold prevented her from sinking.

Capt. Nicolay said in his own defence that he regretted that he had not continued casting the lead after he found himself in six fathoms, and that he believed he would have cleared the shoals if he had changed the tack from port to starboard.

The Commissioners declared Nicolay guiltless of intentional wrong in stranding and abandoning the Fox, but censured him for neglecting to keep the lead going.

SITE FOR A NEW HOSPITAL.

Where the Institution for Diphtheria and Scarlet Fever Will Be.

At its meeting yesterday the Board of Health set the seal of its approval upon the proposal of Mrs. Robert Minturn and those associated with her to erect a hospital for scarlet fever and diphtheria patients. Police Commissioner Theodore Roosevelt, an ex-officio member of the Health Board, offered the resolution, which approves the architect's plans and recommends the leasing of a piece of ground for the building near Sixteenth street and Avenue C. This land is part of the tract used by the Board of Health, the Street Cleaning Department, the Willard Parker Hospital, and the Reception Hospital. Its southern boundary is 100 feet north of the northerly line of Sixteenth street.

The approach to the grounds will be by a broad driveway, leading from the street to the administration building and the two pavilions on either side of it. These three buildings will stand in about the centre of the plot. The scarlet fever ward will be at the extreme western end of the plot. All the buildings will be of brick. They will face toward the south, and will be three stories high. Their estimated cost is $75,000. Of this amount $60,000 has already been raised. This includes Mrs. Minturn's subscription of $25,000. The hospital will not be a free institution.

TAILOR GROSS'S ASSAILANTS

To Be Tried for Murder, Although Dr. Huber Says Gross Died of Disease.

Charles Webber, Nathan Conners, Morris Conners, and Abraham Dunn, all cast side young men, were arraigned before Recorder Goff yesterday on an indictment charging them with murder in the first degree. They are accused of assaulting Isidor Gross, a tailor at 241 Delancey street, with metal knuckles and a club in front of his home on Feb. 23. He died in Bellevue Hospital on Feb. 28, and the men were arrested on March 1.

Deputy Coroner Huber certified that Gross died of fatty degeneration of the heart and acute Bright's disease, and Coroner Hoeber released the men on $1,000 bail. They were rearrested under the indictment found by the Grand Jury. They pleaded not guilty and were remanded to the Tombs.

The New York Zoological Society.

The incorporators of the New York Zoological Society met yesterday at 214 Broadway to receive the report of a committee appointed a week ago. The committee were instructed to prepare by-laws for the society, which they did, submitting besides the following thirty-six names of persons whom they recommended as a Board of Managers for the society:

Charles A. Dana, Oswald Ottendorfer, Andrew H. Green, W. M. Webb, J. Pierpont Morgan, Wager Swayne, Simon Schiff, Felix Adler, C. F. Whitehead, Theodore Roosevelt, J. L. Cadwalader, Philip Schuyler, G. G. Haven, J. Sampden Robb, J. Seaver Page, C. A. Peabody, Jr., C. H. Flint, Hugh N. Camp, Andrew D. Parker, Austin Corbin, A. Hadden, J. H. Starin, C. G. La Farge, W. A. Stiles, Theodore A. Havemeyer, Winthrop Chanler, G. B. Grinnell, W. E. Church, L. V. F. Randolph, William Rockefeller, E. H. Litchfield, H. F. Osborn, Royal Phelps Carroll, H. H. Cook, H. E. Howland, and C. E. Cox.

The report of the committee was adopted:

Herman Oelrichs Here.

Mr. and Mrs. Herman Oelrichs, with Master Oelrichs and Miss Fair, Mrs. Oelrichs's sister, arrived in New York on Monday afternoon, after an absence of four months in San Francisco. They left San Francisco in Mr. Oelrichs's private car "Corsair" last Wednesday afternoon.

Mr. Oelrichs is not certain when he will return to San Francisco, as his business may keep him here for some time. He is delighted with the Pacific coast, and speaks enthusiastically of the Californians. Nothwithstanding that fact he hopes to spend a part, if not all, of the summer at Newport. He says that no matter where he may conclude to take up his residence, there is no foundation for the story that he intends giving up his New York interests.

Mottet—Gallup.

Miss Jeanie Gallup, daughter of Albert S. Gallup and sister of the late Park Commissioner Gallup, was married yesterday to the Rev. Dr. Henry Mottet, rector of the Church of the Holy Communion. The ceremony was performed at 11 A. M. in the church of which the bridegroom is the rector by Bishop Potter, assisted by the Rev. Dr. Huntington, rector of Grace Church. The best man was the Rev. William Wilmerding Moir, assistant minister of the Church of the Holy Communion. Miss Margaret G. Bacon was the maid of honor. No reception followed the ceremony.

W. B. Bokee's Sudden Death.

William B. Bokee, who fell dead while ascending the stoop of his residence at 53 Willoughby street, Brooklyn, yesterday morning, was well-known in the Masonic order in that city, and for some time had been engaged in the sale of Masonic emblems. He was a widower and 50 years old. Bedford Lodge, F. and A. M., to which he belonged, has taken charge of the funeral arrangements. Death resulted from an attack of apoplexy.

SOME WILL SURELY POSE.

THE RUMPUS OVER THE TABLEAUX VIVANTS PATCHED UP.

But the Words "Living Pictures" Are Still in the Advertisements, as Well as the "Misleading Announcement" that Professionals Will Take Part in the Show.

Francis Hegeman-Sutton, Chairman of the Entertainment Committee for the Kindergarten and Potted Plant Association, spent yesterday in trying to restore a feeling of harmony among the women interested in the tableaux vivants to be presented at the Fifth Avenue Theatre to-morrow afternoon. While Mr. Hegeman-Sutton did not restore the programme to its original form, he succeeded in lessening the feeling aroused among the patronesses over the term "living pictures" as applied to the tableaux. Mrs. George F. Shrady took back her somewhat harsh criticism, and declared the "whole thing a good joke," and Miss Helen Gould sent him some reassuring words from Irvington. All this Mr. Hegeman-Sutton accomplished without altering the attractive but obnoxious placards advertising the entertainment. These placards state that "a series of living pictures will be given, each picture being posed by a celebrated artist and the figures being represented by men and women of social prominence," and the advertisements still continue to mislead the reader by announcing that "operatic soloists, eminent comedians, vaudeville stars, and leading foreign and American artists from the metropolitan theatres will appear."

Yesterday afternoon Mr. Hegeman-Sutton showed a SUN reporter the following letter:

Mr. Hegeman-Sutton, Chairman Entertainment Committee.

DEAR SIR: I thank you for your kind message in relation to the Kindergarten and Potted Plant Association. While I thoroughly appreciate the kindness of those who have undertaken the performance arranged at the Fifth Avenue Theatre Thursday afternoon for the benefit of the Kindergarten, I was somewhat alarmed when I saw the title used. You can readily understand my feelings when you remember the trouble there has been in the city about living pictures. Your assertions have set my mind quite at rest on that score.

The Kindergarten is doing a most commendable work in the tenement districts and among a very poor class of people. I am convinced it is the kind of work that deserves the utmost encouragement. Wishing you every success for the entertainment, I am, very truly yours, HELEN MILLER GOULD.

MAY 13, 1895.

"And then is Miss Gould to appear in the tableaux, as advertised?" asked the reporter.

"O my, no! That was a very unfortunate statement to get in print," answered Mr. Hegeman-Sutton. "I am very sorry there were any misunderstandings about these tableaux. The whole thing started when Mrs. Shrady complained to Mrs. Sutro about the term 'living pictures,' and when Mrs. Sutro wrote to a newspaper editor asking him not to use the words living pictures, but tableaux vivants. The ladies asked to pose in the tableaux will positively appear, and every detail arranged by the committee will be carried out to the letter."

"Then you will have 'operatic soloists, eminent comedians, and vaudeville stars?'" was asked.

"No, that part has been abandoned; but I hope Richard Mansfield will make a speech. This morning Mrs. George F. Shrady went to see Mrs. Sutro. She said her criticism was only a joke, and then she bought some tickets. You can say that Miss Helen Gould will occupy a box."

"Will Mrs. Schuyler Hamilton, Jr., pose?"

"Last week Mrs. Hamilton and Mrs. Gianni Bettini came here together, and they became very enthusiastic over the tableaux. Mrs. Hamilton said it would be good fun to pose, and Mrs. Bettini said she thought it would be lovely. Then Mrs. Hamilton wrote to Mrs. Sutro that she was very ill, and could not pose. I think her excuse that the general public would be admitted to the theatre is very slim, as the first announcements of the benefit stated that tickets would be for sale at the box office. I really believe that Mrs. Hamilton will turn up, when the tableaux take place on Thursday, to fill her place."

"Have you sold many tickets?"

"About 110 tickets have been sold at the box office, and I heard that a thousand had been sold by the patronesses."

The tickets sold by the patronesses can be exchanged at the box office for a reserved seat. The clerk at the box office said that up to last evening he had made no exchanges.

Mr. Hegeman-Sutton added that Mrs. Theodore Sutro made an error when she said there would be sixteen tableaux. He gave out the following programme of twenty-two tableaux as being officially correct:

"Terpsichore," Mrs. Walter Robinson; "Engaged," the Misses Coutenchi; "Spanish Tambourine Girl," Miss Helen Hicks; "A Fencing Maiden," Miss Witherbee; "Portia," Miss M. Stanleyette Titus; "Carmen," Mrs. Francis Hegeman-Sutton; "A Gainsborough Portrait," Miss Louise M. Sheppard; "Mignon," Miss Eliza Contencin; "Indian Maiden," Miss Dorothy Clinton; "Pierrette," Miss Gohn; "Vestica Tucda," Miss Louise Parker; "A Modern Belle," Miss Blanche Jones; "Iris," Miss Contencin; "Fin du Livre," Miss Witherbee; "Beatrice," Miss Elizabeth Falconer; "La Marquise," Miss Laura Cohn; "A Portrait of Rebecca Wife," Miss Estelle Arnold; "Trilby," Miss Morgan; "Sappho," Mrs. Francis Hegeman-Sutton; "A Portrait," Mrs. Theodore Sutro; "Three Modern Graces," Miss Tiedman, Miss Clemons, and Miss Falconer.

An artist's model will probably fill the tableau left vacant by the resignation of Mrs. Hamilton.

KNOCK-OUT DROPS IN HIS BEER.

A Jerseyman Drugged and Robbed—Two of the Thieves Nabbed.

Michael Brady, a laborer, 23 years of age who lives at 384 Ninth street, Jersey City, came to town on Monday night to see some friends. His friends bought several rounds of drinks before they said good-night to Brady, and it was after midnight when he started for the Liberty street ferry.

In the ferry house Brady met a stranger, who invited him out to have a drink. On the way to the saloon the stranger met two friends, whom he invited to join in the treat, and the quartet proceeded to the Stafford House, at 443 Washington street, where they made merry for half an hour or more.

It was almost 2 o'clock when the bartender came into the side room where the men were sitting and noticed that Brady was sound asleep.

"Here, you fellers take that man out. Yer can't pull off no funny tricks here."

"All right," answered one of the men, and the three carried the sleeping Jerseyman into the street and put him down in the doorway of the building at 445 Washington street, where they proceeded in the most leisurely manner to go through his pockets.

Policeman James Farrell stood only a few yards away, but he did not suspect any wrongdoing until he recognized one of the men as Brocky Kennedy, a well-known crook. Without alarming the crooks, he called Policeman Lewis, who was patrolling the next beat, and the two policemen made a rush at the thieves. One of the crooks got away, but Kennedy and the other man, who gave his name as Frank Carn, and said he lived at 353 West Thirty-third street, were arrested and taken to the station house.

Brady, still sleeping peacefully, was taken to the Hudson Street Hospital, where he soon came back to his senses. All he could remember was that he had drunk several glasses of beer and then fallen asleep. The doctors at the hospital say that knock-out drops helped to make him sleep. The man who escaped was the one who accosted Brady in the ferry house.

Kennedy, who said that he was 29 years of age and lived at East Forty-ninth street, and Carn were arraigned in the Tombs Police Court yesterday and charged by Brady with the larceny of $8. They were held in $2,000 bail each for examination to-day.

Aliens Cannot Inherit Illinois Land.

SPRINGFIELD, Ill., May 14.—The Supreme Court yesterday rendered a decision upholding the Alien Land act in its provision prohibiting aliens from inheriting land in this State. John Egan of this county died and left his property to a nephew in Ireland. Two American nephews brought suit to break the will and the court decided in their favor.

Hackman White Killed in a Runaway.

SPRING LAKE, N. J., May 14.—John White, a hackman, was killed to-day by the running away of his team. He was dragged several rods.

Biliousness, Indigestion, Jaundice, Dizziness, Heartburn, Constipation, Headache, Nausea. Do not gripe or cause pain. Efficient, Harmless, Reliable. 25c. per box, All Druggists. Be Sure to Get Hood's.

The Regal Oxford

The Light Fantastic

Needs a shoe of flexible lightness, yet of strength and firmness. A nobby patent leather with French Calf uppers for instance. The

Regal $3.00

Patent Leather Shoe

is a wonder for the price, or at any price. We have various styles, and we'll fit you to a nicety. Every pair a work of art.

The Regal 1347 Broadway, 291 Broadway.

857 Fulton st., Brooklyn. The only exclusively $3.00 Shoe Factory in the world.

Boston; Brooklyn; Providence; Baltimore; Pittsburgh; Washington.

Factory: Brockton, Mass.

HORSEMEN IN LEGAL TOILS.

The Case of Tattersalls of New York Against William Easton Down for To-day.

Horsemen generally, and turfmen in particular, are interested in the suit of the Tattersall Company of New York (Limited) against William Easton, which will be heard to-day by Rastus S. Ransom, who has been appointed as referee by Judge Lacombe of the United States Circuit Court to take testimony.

When partners fall out the developments are usually interesting. The plaintiff in this action is the American branch of the famous old English horse-dealing firm, while the defendant, Mr. Easton, after organizing the New York company, was for a long time its manager. He is well known as an auctioneer, and has conducted many of the great thoroughbred yearling and race horse sales held within the decade in the East. King Thomas, yearling, at $40,000, and the stallion St. Blaise, at $100,000, are two of Mr. Easton's record sales.

In its complaint the Tattersall Company, after describing itself as a "corporation organized and existing under the laws of the United Kingdom of Great Britain and Ireland for the purpose of selling horses at public and private sales," alleges that on or about Feb. 18, 1890, Mr. Easton entered its employ as the New York agent and auctioneer, and rendered services in such capacity until January, 1894, at an annual compensation of $4,840 to January, 1893, and at an annual salary of $9,680 to January, 1894.

The statement is then made that of the large sums of money that came under the control of the defendant, while in the plaintiff's employ in the fiduciary capacity aforesaid, the defendant wrongfully and in violation of his duties as such agent, took a large portion of such moneys and unlawfully converted and fraudulently misapplied and disposed of the same to his own use, to the plaintiff's damage in the sum of $12,546.67. A schedule appended gives the list of the transactions which have been withdrawn by Mr. Easton, with the dates. The first entry, April 25, 1893, is of $200; the last, on Feb. 1, 1894, is for $806.66. This is the largest sum drawn at any one time, the smallest item being $1.50, and many being under $10.

In his answer Mr. Easton makes a general denial of the charges of misappropriation of the company's funds. The answer then states that in February, 1890, he became managing director for the Tattersall Company of New York (Limited) and auctioneer, and remained in such position until February, 1894, at the annual compensation of $4,000, which was afterward increased to $9,680. Mr. Easton then alleges, "upon information and belief, that such increased compensation was made retrogressive, so as to include the entire period of his employment." He further alleges that under the terms of his employment he was entitled to other compensation dependent upon the amount of dividends earned and paid by the company.

Cecil F. Benson of the London directorate of the company arrived on the Campania last Friday to give testimony in the case. The action is brought *in tort*, which means that in the event of a judgment a warrant against the person may be issued to compel a settlement.

ROLLED DOWN AN EMBANKMENT.

One Person Killed and 23 Hurt on the St. Louis and Hannibal Road.

SILEX, Mo., May 14.—At 8 o'clock this morning the south-bound passenger engine on the St. Louis and Hannibal Railroad struck a broken rail about two miles north of Silex and derailed the entire train, killing C. Meyer, a travelling salesman of Warrenton, Mo., and injuring twenty-three others. Here is a list of the injured, all slightly hurt unless otherwise indicated:

Eugene Sullivan, engineer, Hannibal, probably fatal; Perry Wood, New London, attorney, seriously; J. A. Jordan, general manager, Hannibal, seriously; Mrs. George Clayton, Hannibal; Charles Vancey, Clayton; S. W. Smiley, Hannibal; Mrs. Lizzie Grafford, Cyrene, Mo.; Charles Van Hester, Keokuk; Amy Dick, baggage master; P. Garrett, St. Louis; H. Peters, St. Louis; J. R. Smith, Salem, Mo.; Ben H. Johnson, St. Louis; L. V. Dieckhaut, St. Clements, Mo.; Caroline Dieckhaut and Joseph Dieckhaut, St. Clements; E. E. Eglesby, Clarksville, Mo.; Jesse Marandt, Bankerman, Ct. A. Sewton, Bremen; J. H. Wright, and William Body, Vandalia; Jesse Jones, Frankford, Mo., collar bone broken; W. C. Rand, St. Louis.

The train was running at ordinary speed, but the engineer did not observe the broken rail until within nearly fifty feet of it, and although the air brakes were instantly applied, the momentum was so great that the train could not be stopped, and the engine, baggage car, and coaches left the rails and rolled down a twenty-feet embankment. The uninjured passengers and crew rushed to the assistance of those who were carried down in the wreck, and soon had them out of the débris.

As soon as word of the accident reached Silex a number of physicians hurried to the scene and did all in their power to assist the injured. The seriously injured persons were brought to this place in carriages and wagons and are being made as comfortable as possible. The wrecking train was sent from Hannibal and the tracks were repaired this afternoon.

DEFINING THE WILDS LAW.

Under It, Justice Ingraham Says, Prison Wardens Must Accept Pines.

Judge Ingraham was angry yesterday when there was a return of a writ of habeas corpus made before him in the case of John T. McEvoy, who, on May 11, was committed to the City Prison for five days by Police Justice McMahon for being drunk and disorderly. McEvoy tendered the fine to the Warden of the Tombs prison, but the Warden refused to accept it, and a writ was then obtained for McEvoy's production in court. When the facts were presented to Judge Ingraham he ordered that the prisoner be released. He based his decision on the fifth section of the Wilds law relating to disorderly persons.

Assistant District Attorney Hennessy stated that the Warden was acting under the advice of President Porter of the Board of Charities, who held that, under the Wilds law, no prisoner could escape imprisonment by the simple payment of the fine.

"I desire you to inform the Warden," said the Judge, addressing Mr. Hennessy, "that it, in the face of the decisions on this subject, he persists in keeping persons in custody when they offer their fines, I will grant an order for him to show cause why he should not be committed for contempt of court. This man is discharged from custody, and should have been at liberty from the time that he tendered his fine."

Two of the Jury Had Themselves Been Acquitted.

Emil Forman, a bartender, of 169 East Fifty-third street, was acquitted of assault before Judge Fitzgerald in the General Sessions yesterday. Forman was a bartender in Joseph Vrana's saloon at 316 East Fifty-fourth street, and he shot Peter Brechtel of 2,474 Eighth avenue during a row there on April 23. The foreman of the jury that acquitted Forman was August L. Brown of 80 Nassau street, who was tried and acquitted of slashing Miss Lalla Brown's dress in a Ninth avenue elevated train on Jan. 5, 1893. The seventh juror was Michael Donnelly of 15 St. Luke's place, who was tried and acquitted in the General Sessions last summer of shooting at Patrick McArdle in the Court of Common Pleas.

WELLMAN DID NOT GET IN.

NAME NOT POSTED FOR ELECTION AT THE BAR ASSOCIATION.

Whether It Was Withdrawn or Knocked Out They Won't Tell—Austen G. Fox Gets a Committee Empowered to Examine Into the Methods of Drawing Jurors.

The name of Francis L. Wellman did not appear on the list of candidates presented to the Bar Association for election at its regular meeting last night. Mr. Wellman's name had been duly proposed and seconded, and the fact that it was not among the names of the candidates indicates that it was either withdrawn or that unfavorable action was taken on it by the Committee on Admissions at its meeting on April 26.

As was told in THE SUN, when it became known that Mr. Wellman was a candidate for admission, a powerful clique was formed to oppose his election. It is alleged that several protests against him were lodged with the committee by his opponents. It is also said that his failure to secure an election was due largely to another lawyer with whom he had trouble in the Carlyle Harris trial, and who afterward failed to get into the University Club and attributed his failure to Mr. Wellman.

None of the members of the association would discuss the question last night, the members of the committee saying they were bound by the constitution to keep the transactions of the committee secret, and the other members saying they knew nothing about it. There are twenty-one members on the committee, of which Lewis L. Delafield is Chairman, and it requires seventeen votes to secure a recommendation. Mr. Wellman is at present out of town. Thirty-one new members were elected, of whom Benjamin F. Tracy was one.

The chief business of the evening was the consideration of a resolution offered by Austen G. Fox, empowering the Judiciary Committee of the association to examine into and report at the next meeting upon the working of the statutes touching the jury system, including the manner of selecting the names of those who are on the jury list and the drawing of panels therefrom. Mr. Fox, in advocating this resolution, told of his experience with the jury of the McLaughlin trial just finished.

"It is time," said he, "for the public to understand distinctly the nature of the struggle which I have had in the McLaughlin trial to keep out of the jury box men who didn't understand the simplest phrases of English. During the eighteen working days there were examined 381 men. Of these there were disqualified 90 for bias, 175 for the opinions they held, which they said could not be changed by the evidence; ten law breakers (saloon-keepers), 38 challenged peremptorily, 2 removed by the Court, 54 excused by consent (most of whom were too ignorant to suit even the defence), and 12 finally accepted."

Mr. Fox said that the law need not be changed. The worst feature of the case was not the ignorance of some of the men, but the way others, men of intelligence, professed to be more ignorant than the really ignorant in order that they might be disqualified.

"The public should do something," said Mr. Fox in conclusion, "I mean how these jurors are procured and summoned. It is a curious coincidence (one that may show no wrong, but one that ought to be investigated) that early in the trial eight men were in the box. The prosecution had exhausted six challenges and the defence nine. Of the six men that were put in that day, five, men of intelligence and position, were challenged by the defence, and from that day on, though we had panel after panel, we didn't have that kind of men once.

Mr. Ferdinand Shack offered an amendment to the resolution, which was accepted, to the effect that the committee should also see if there were not anything further needed to preserve the rights of talesmen and jurors. Mr. A. H. Holmes supported this resolution, saying that the reason citizens were unwilling to serve were the radical wrongs, the abuse of audience, the loss of time they were compelled to suffer.

RUSSIANS TO LOSE THEIR BISHOP.

Bishop Nicholas of Alaska and the United States Going to Moscow.

Bishop Nicholas of the Orthodox Russian Church of Alaska and the Aleutian Islands, which diocese includes the whole of the United States, is expected to arrive in this city from San Francisco, the Episcopal See, to-day or to-morrow. While in this city he will be the guest of J. A. Beliakopf of 207 East Eighteenth street. He will sail for Europe next week. His departure for St. Petersburg has greatly stirred up the orthodox Russian community of this country, as it is rumored that he is not to return, but that a new man will be sent to take his place.

The orthodox Russians believe that a change in the episcopate at the present time would be most disastrous to the Church, which is just beginning to be in a prosperous condition. The Bishop has been in this country for five years and has become thoroughly familiar with the work. A new man, a stranger to the conditions under which he must labor, would require at least two years before he could take the place of Bishop Nicholas. Mrs. B. Macadam, the wife of the well-known war correspondent, said yesterday:

"The work of the orthodox Church in this country is not to win converts. It is rather a Pan-Slavist movement by which all the Slavonic people may keep their old religion and worship together. There are a great many Slavonic people in this country who were in the Austrian empire and who while in that country acknowledged the supremacy of the Pope and were under the guidance of the Roman Catholic Church. They were, however, permitted to use their old forms of mass, to use the old Slavonic in their services, and their parish priests were allowed to marry, in accordance with the laws of the Greek Church, by which no man can become a deacon or a priest until he has been married.

"When they came to this country they desired to go back to the orthodox Church, and hence there are eight of such churches east of Minneapolis, although only one, that in New York, is Russian in nationality. It has been the work of the Bishop to organize these churches when calls came from different communities. Bishop Nicholas is a very scholarly man, and his retirement will be a great loss to us."

It is probable that an appeal will be sent to the Church Council in Moscow asking that the Bishop return to this country.

The Weather.

The storm reported to be developing over Illinois on Monday moved steadily eastward with increasing energy, and had its centre over New York and Lake Erie yesterday morning. It was advancing toward the lower New England coast. The winds became high easterly on the middle Atlantic and lower New England coasts, and the damage they caused was augmented in the morning by a dense fog, which became light about noon.

Rain fell from the lower lakes and Ohio Valley eastward over the middle Atlantic and New England States, and snow in Canada just north of the lakes.

The storm is followed by another cold wave coming out of an area of high pressure which developed over Minnesota. The cold will be felt in this neighborhood this morning, but will not last more than a day or two.

In this city yesterday it was cloudy and showery, with dense fog in the morning; high easterly winds, maximum velocity 38 miles an hour; highest official temperature 56°, lowest 46°; average humidity, 81 per cent.; barometer, corrected to read to sea level, at 8 A. M., 30; 3 P. M., 29.90.

The thermometer at Perry's pharmacy, Sun building, recorded the temperature yesterday as follows:

	1894.	1895.		1894.	1895.
8 A. M.	57°	51°	3:30 P. M.	60°	49°
9 A. M.	56°	50°	6 P. M.	62°	54°
9 P. M.	57°	51°	9 P. M.	64°	50°
12 M.	62°	48°	12 Mid.	57°	47°
Average					49⅝°
Average on May 14, 1894					61⅛°

WASHINGTON FORECAST FOR WEDNESDAY.

For Massachusetts, Rhode Island, and Connecticut, rain; warmer; easterly winds, becoming northerly.

For eastern New York, rain; warmer; northerly winds, becoming variable.

For eastern Pennsylvania and New Jersey, threatening weather, with showers in northern portions; warmer; northwesterly winds, becoming variable.

WEST 14TH ST.

ESTBD 1807. COWPERTHWAIT'S TRADE MARK "RELIABLE" CARPETS

A FINE SEAMLESS JAPANESE COTTON WARP MATTING, IN PLAIN WHITE, FANCY AND DOUBLE DYED PATTERNS, AT

$2.25 PER ROLL OF 20 YARDS.

WE KNOW SUCH MATTINGS ARE DOUBLE THAT PRICE ELSEWHERE—BUT WE KEEP AHEAD OF THE DEMAND WITH HIGH GRADE GOODS AT PRICES THAT WILL COAX THE MOST OBSTINATE OF DOLLARS.

FURNITURE IN GREA