SUMNER BREAKS DOWN.

THE COLUMBIA'S COMMANDER TELLS ABOUT HER INJURIES.

He Admits Frankly that They Were Caused by Improper Docking, and that He Was to Blame, in Part, in Not Having Examined the Dock—He Breaks Into Tears, on the Stand, and Is Unable to Proceed—A Painful Scene in Court.

The second day's session of the Court of Inquiry, appointed to determine the cause of the damages sustained by the United States cruiser Columbia while in the dry dock at Southampton, England, began shortly after 10 o'clock yesterday morning. While nominally the business of the court, is simply to determine the cause of the damages sustained by the crack cruiser, in reality the capabilities of Capt. George W. Sumner, as a commander, are being inquired into. The Columbia was docked by his orders. She had neither flaw nor blemish when she floated into the Southampton dock. When she came out the edges of her flat keel were so bent for a hundred feet or more from a point 125 feet aft of the stern that the keel, which should be a plane, was a series of undulations. In addition, several rivets were sheared and five out of seven stanchions in the engine room were badly bent. It is evident that the damages to the cruiser were sustained while in the dock. Therefore she must have been poorly docked. It was not the docking company, but the ship's commander who was responsible for her safety while in the dock.

The testimony taken on Tuesday showed that the Columbia's damages were sustained through poor docking. That testimony was confirmed yesterday. Altogether the day was a trying one for Capt. Sumner, and the testimony given by none of his officers was more damaging to him than the story of the docking which came from his own lips. It is said that in the report which he submitted to the Navy Department, relative to the damages the Columbia received at Southampton, he averred that the damages came from a structural weakness in the ship. He testified yesterday that poor docking was the cause of the damage. Capt. Sumner gave the greater part of his testimony yesterday from written memorandum. Before he had finished the reading he broke down and cried. At the Captain's request Judge Advocate Draper completed the reading of his statement.

As the tears rolled down the bronzed face of the old commander there was not an officer in the room, from Rear Admiral Walker down, who was not visibly affected. Every one of them knew Capt. Sumner personally. Some of them

COLUMBIA'S DAMAGED KEEL.

had served under him. They knew his long and untarnished record in the navy and his sterling worth as a man, and his loyal, generous nature. Knowing this, it was evidently with difficulty that the other officers restrained their own feelings when they saw Capt. Sumner break down.

The witnesses called during the morning session were Lieut. James M. Helm, watch and divisional officer on the Columbia; Wm. H. Harris, the ship's chief engineer; Passed Assistant Engineer Martin Rivington, Naval Cadet John M. Luby, and Lieut. William Hall Driggs. The testimony of these five witnesses used up the afternoon. Nothing new was brought out. They all testified that the Columbia was in good condition when she went into the dock, and that she was damaged when she came out; that the portion of the keel which slopes upward from a point 107 feet aft of the stem to the stem proper, and called the overhang, was unsupported by blocks—that is, 107 feet of the ship forward was unsupported; that the blocks did not meet the keel fairly; that, so far as each witness knew, no examination of the dock and its appliances had been made previous to the docking of the Columbia, and that they knew of no reason why the ship should not have been floated as soon as it was noticed that she was straining.

One possible evidence of structural weakness in the ship was brought out by questions by Capt. Sumner in cross-examining Chief Engineer Harris. Mr. Harris had testified that on July 9, the day after the Columbia went into the dry dock, he had discovered that five of the seven stanchions in the engine room were buckled or bending. Noticing this, he immediately let the water from the boilers into the dock, and then reported what he had done to the commanding officer. The first of Capt. Sumner's questions was:

Q.—Do those stanchions support anything? A.—They support the protected deck.

Q.—Are the stanchions supported by anything? A.—No.

Q.—Are the stanchions to be replaced, and, if so, will the size of the new ones differ from the size of the old ones? A.—New stanchions are to take the place of the old ones, which were about 24 feet long and 5½ inches in diameter. The new stanchions will be half an inch greater in diameter.

From the engineer's answer to the last question, it was inferred that the original stanchions were not considered large enough.

Martin Revington, the passed assistant engineer of the Columbia, startled the court by testifying that, had the blocks under the body of the ship been of proper shape, he did not think that the strain would have injured the ship; particularly if the overhang unsupported. He admitted that, to hold such an opinion, he must consider the Columbia an unusually strong vessel. Paymaster George H. Read, who testified on Tuesday, was recalled to tell the court that the dock company had the Columbia's docking plans in their possession for about twenty-four hours.

While the court was lunching and Capt. Sumner was collecting his data, the Columbia was being floated in the dry dock preparatory to being towed over to the coal dock to take on 1,700 tons of coal. When her coal bunkers are filled she will, under orders from the Navy Department, join the North Atlantic squadron, wherever that may be at the time, and take part in the annual manœuvres.

After recess Capt. Sumner took the stand. His testimony was given in the form of a statement read from memoranda. Capt. Sumner told of his receiving a despatch while at Southampton ordering him to have the Columbia docked and her bottom cleaned and painted. Then Capt. Sumner continued:

"When we reached Southampton I went to see Mr. Dickson, the superintendent of the London and Northwestern Railway Company, the owner of the largest docks at Southampton. I told him what I wanted, and gave him the length, beam, and draught of the ship. He then sent for the dock master, Capt. Lewis. After a consultation they concluded that the Columbia could be docked on what they called Dock No. 3. I knew that already from my data aboard the ship. The proposition which the superintendent made was accepted, he agreeing to have the work completed and the ship floated on Saturday, July 13. I then gave the ship's docking plans and all the information about the vessel that could be of any possible use to Capt. Lewis. I received several messages from the superintendent and from Capt. Lewis assuring me of the capabilities of the dock and the completeness of the dock's appliances, as has already been testified to by Paymaster Read and Lieut. Dougherty.

"We reached the dock on the morning of the 7th, so as to enter at high water. When we arrived at the dock we found another vessel in the dock and the gates open. When the vessel that had been in the dock come out we went into Dock No. 3. The ship was placed in position and the dock pumped out. As soon as the dock was clear of water it was seen that the ship was not resting properly on the blocks and she was being strained. This was reported to me late in the afternoon.

"I went at once to the dock to make an inspection, saw the bottom of the ship, and that it was being strained. I immediately sent Lieut. Helm to inform Capt. Lewis of the ship's condition and to request that he come to the dock at once. In a short time after Lieut. Helm had gone on his mission, I sent a second messenger, Ship's Carpenter Mahoney, to Capt. Lewis with the same message. When Capt. Lewis reached the dock he and I made a careful examination of the ship on both sides, fore and aft. After the examination the conclusion reached was that the ship was then firmly settled upon the blocks and other supports, and that she was not likely to get other injurious strain. This conclusion was justified on the following morning when it was seen that the Columbia had settled no more.

"Then I decided to go on with the painting and varnishing. There were strong reasons why I should do so. I had my orders from the department, which were imperative, and then, if the work was continued, it would save docking the ship for the next six months. As near as I can recollect a careful watch was kept on the ship all this time, and I had given orders to report any further straining to me at once. No reports of further straining were, I believe, made to me until 5 P. M. July 9. There were then evidences, quite marked, that the ship was still straining. About this time the stanchions in the fire room were buckling and the cement in the double bottoms was cracking.

"Considering all this I deemed it unsafe for the ship to remain longer in the dock. This was about the middle of the afternoon of the 9th. I ordered the painting stopped and the dock flooded. The water was let into the dock about 7 P. M., and we left the dock about midnight and returned to our anchorage off Nutley Hospital.

"In regard to shoring the ship: There were seven rows of shores, two on either side, under the bilge keel, one on either side of the horizontal shores, and a row under the bow of the ship. There were wedges driven into the spaces between the blocks and the keel where the keel did not take the blocks fairly. I considered the overhang well shored up. The shores were large and strong. They were not placed vertically, but at such an angle that the downward pressure from the slope of the overhang added support to the keel blocks. The keel blocks were fixtures in the dock. They were 3 feet 6 inches from centre to centre and 18 inches or 20 inches across. They were therefore from 40 inches to 48 inches from face to face. In this dock here in the New York yard the keel blocks are 4 feet from centre to centre, 16 inches across, and 32 inches from face to face.

"Something has been said, I believe, about the ship being out of the centre line of the dock. It was out, according to Carpenter Mahoney's measurement, seven-eighths of an inch to port forward and 1⅛ inches to port aft. They do not use bilge blocks in the Southampton yard, but I had it from the dock superintendent that they had docked larger vessels than the Columbia, and that the ship that was in the dock before us was similar to the Columbia in external construction. I got the information that their cap blocks had not been trued up for three weeks, and that two vessels, one with a bar keel and the other with a flat keel, similar to the Columbia, had been docked without damage.

"No officer was sent to examine the dock and appliances. This was a serious oversight on my part, and one that I deeply regret."

Here was where Capt. Sumner broke down and wept. He was so overcome that he asked the Judge Advocate, Lieut. Draper, to finish the reading of his statement. The Judge Advocate read as follows:

"I had implicit faith in the dock company and the Marine Superintendent, as I had a right to have. The company's existence dates back, I believe, to 1858, and they have lately completed the largest dock in the world. The St. Louis has recently been docked there, and she is a much larger and heavier ship than the Columbia."

At the conclusion of the reading of Capt. Sumner's statement, the Judge Advocate asked the following questions:

Q.—What contract did you make with the dock company? A.—I accepted their schedule for docking vessels.

Q.—Did the company make any use of the docking plans of the Columbia? A.—I don't know how much use they made of them. They had them twice.

Q.—Did you call attention to the peculiar construction of the Columbia? A.—I told the superintendent that she had a bilge keel.

Q.—What, in your opinion, caused the damage to the ship? A.—The frames didn't take on the keel blocks.

Q.—Had the previous docking of bar keel vessels so affected the blocks that they would damage the Columbia? A.—That was the idea. I think I have heard it stated here several times.

Q.—Who gave the order for shores and additional supports? A.—The dock master.

Q.—Did you think they furnished sufficient support? A.—As I have stated, I concluded the vessel had settled all she would.

Rear Admiral Walker then asked the following questions:

Q.—You spoke of seven rows of shores being placed under the ship. When were these placed? A.—Most of them on the evening of the 8th.

Q.—You made a contract for docking the ship? A.—Yes.

Q.—Did you order any examination of the dock and its appliances to see if the dock was properly equipped for docking a vessel like the Columbia, or did you make such examination yourself? A.—No, sir. I took the assurances of the dock people.

Q.—In the dock you found the ship straining and sent for the dock master? A.—Yes.

Q.—Then did you order the ship floated? A.—No. I thought she had settled all she would.

Q.—Was it your opinion of the dock master's that she would not strain any more? A.—Both. As an experienced man, an expert, his opinion had weight with me.

In view of the report made by Capt. Sumner to the Navy Department, that the damage was caused by structural weakness, the answers to the next two questions caused a mild sensation among the officers in the court room.

Q.—The Columbia was in good condition when she went into the dock? A.—So far as I know, she was.

Q.—Then the injuries she received were due to improper docking? A.—Yes, I suppose they were.

Q.—What was your reason for paying the entire docking bill, after you knew that the vessel had been damaged? A.—I had no orders to the contrary. I wrote a letter to the Dock Superintendent calling attention to the damages, and his reply absolutely disclaimed any liability for damages on the part of the company and hinted at structural weakness in the ship. I feared that the company might libel the ship and I had no time to get into legal complications.

Q.—Somebody injured the ship, and as the company had done the docking, didn't that suggest to you that they were liable and that the bill shouldn't be paid in full? A.—I didn't think that holding up the bill was obligatory on me.

Rear Admiral Walker here remarked that Capt. Sumner, with his experience, should have known that the dock company couldn't libel a ship of the United States navy. "The time to fix those claims is when you were on the spot," he remarked the Admiral. "Now that they have their money we can't do anything." Capt. Sumner offered no reply and the court room was cleared that the court might deliberate. As the room was cleared it was announced that an adjournment would be taken until 10 o'clock this morning, when it is possible that other witnesses will be examined.

After the adjournment Capt. Sumner was asked if he had anything to say about the case. He said that he had nothing to say. Rear Admiral Walker had nothing to say, either, save that the members of the court would remain at the Navy Yard until their report was ready to be submitted to the Secretary of the Navy.

Capt. Sumner was appointed to the Naval Academy from Kentucky in 1854. He was made an acting midshipman Sept. 20, 1858, and a midshipman July 16, 1862. On Aug. 1, 1862, he was made Lieutenant and served with that rank through the war. For gallant and meritorious service he was made a Lieutenant-Commander in July, 1866. On June 13, 1876, he became a Commander, and on Oct. 2, 1891, he reached the rank which he now holds. He has been considered one of the ablest officers of his rank in the navy, as well as one of the most popular. He is now about 60 years old. He is of medium height, of rather slight frame, with almost snow-white hair and beard. In manner he is quiet and retiring. From his fondness for the study of all things pertaining to that which he has made his life work he has been called the "Student Captain."

THE SQUADRON TO DRILL SOON.

Herbert Announces that the Ships Will Soon Be at Real Work.

BOSTON, Aug. 28.—Secretary Herbert of the Navy, who arrived in the despatch boat Dolphin last evening, says of the future movements of the north Atlantic squadron:

"The squadron will leave Portland on Thursday afternoon and reach Boston early on Friday morning. It was planned that the vessels should be here on the 30th and 31st, but they will probably remain longer, as they have to coal before sailing. They will not return to Boston after they leave, but will engage in manœuvres, joined later by the Maine and the Texas. I am not sure about when the Atlanta will join them, as she has just arrived in New York, and I do not know in what condition she is.

"These manœuvres will not be on as large a scale as those of the English, for instance, as we have not as many ships available, but they will consist not only of squadron tactics, but of considerable practice with the guns at sea, boat drills, and landing parties. Admiral Bunce says he has found a very good place for exercises off Provincetown, in Cape Cod Bay, but the coming manœuvres will be held farther south, between Newport and Norfolk. The squadron has already had four days of exercise at sea since leaving Bar Harbor."

This forenoon Secretary Herbert made an official inspection of the Charlestown Navy Yard. The inspection was one made annually, and was chiefly directed at the equipment work, such as rope, chains, and anchor making, which is about the only work of importance now being done at the Charlestown yard.

Mr. Herbert in an interview this afternoon was asked if there was any prospect that the new and costly machinery plant that is standing idle at the Charlestown Navy Yard would be put into operation in the near future.

"When Mr. Whitney was secretary," said Mr. Herbert, "he came to the conclusion that we had too many Navy Yards in active operation, that the business was divided between them in a very unbusinesslike way, and he adopted the policy of concentrating all the building and repair work on the Atlantic coast at the Brooklyn and Norfolk yards, the equipment work at Boston, and the ordnance work at Washington. He also drew all the work away from the Portsmouth yard, and allowed that place to sink into almost total disuse. His idea was that it was expensive to have too many plants engaged in the same kind of work. I think this is a wise plan, and, unless Congress should overrule me, I shall adhere to this plan, and do only the equipment here."

In regard to the trial trip of the Indiana, Mr. Herbert said the Cramps were anxious to have the trial as soon as possible, and he expected that everything would be arranged to have the event by about the first of October. The Dolphin sailed at 5 P. M. Until he reaches Falmouth, Secretary Herbert said, he will not decide whether to take the cars at New London or to steam directly to New York.

When the squadron arrives on Saturday in Boston harbor, the Minneapolis will be made the recipient of two gifts from the citizens of Minneapolis. One of the gifts will be a solid silver dinner service. The other gift will be a piano. The presentation speech will be made by Col. McC. Reeve. It is expected that Gov. Greenhalge and Mayor Curtis will be present.

INMAN DROWNING CASE.

THE YACHT ADELAIDE SAID TO HAVE SHOWN NO LIGHTS.

Officers of the Steamer Perseus Declare that the Blame for the Collision Lies with Those on Mr. Inman's Boat—The Missing Man's Coat and Cap Returned by the Captain of the Schooner that Rescued Two of the Yacht's Party.

The friends of Robert W. Inman, who jumped overboard from his yacht Adelaide on Monday night after the collision with the Iron Steamboat Perseus, have given up all hope of his being alive. Up to midnight on Tuesday they hoped that he might have escaped drowning, but B. S. Clark of the firm of Inman, Swann & Co., of which R. W. Inman was a member, is sure that his partner would have communicated with him had he escaped. The various mysteries surrounding the accident and the people on the Adelaide have all been cleared up. The identity of the craft that picked up Gilbert T. Sutton, Miss Caroline Prentis, and Sailing Master Andrew Jacobs after the collision was established yesterday. She is the schooner John W. Houston, Capt. James Ducey. Yesterday morning Capt. Ducey, Mate Cole, and Charles Arbor, a deck hand, called at the office of Inman, Swann & Co. The Captain brought with him Mr. Inman's peajacket, which was wrapped around Miss Prentis when she jumped from the Adelaide, and his yachting cap, which was picked up by one of the Houston's boats twenty minutes after the accident. Capt. Ducey made the following statement, which corroborates Miss Prentis's story, as she told it yesterday:

"It was about 7:30 o'clock on Monday evening when we witnessed the collision between the yacht Adelaide and the steamboat Perseus near the Bay Ridge bell buoy. It was quite dark. The yacht was standing to westward on the port tack, with a southwest wind. The steamboat crashed into the yacht. We were a quarter of a mile away, and at once made for the scene. We got out our small boat, and Arbor, who was in her, rescued a man and a woman who were in the water. We afterward learned that they were Mr. Sutton and Miss Prentis. They had been in the water about twenty minutes. A yachting cap was also picked up 200 feet from the yacht, and it was identified by Mr. Sutton as Robert W. Inman's. We put the man and woman on our schooner, and later put them on the yacht.

"They told us that two more people were missing. We ran up to the steamboat and hailed her to see if any of the yacht's people were aboard. Some man cried "All right." We saw no boat from the Perseus. The steamer was brilliantly lighted. The Captain of the Adelaide said when we transferred the man and woman to her that he thought all the party had been saved. We found the Adelaide's dingy upside down, some distance from the buoy. We turned her over. She contained nothing but the cushions, oars, and boom crutch. We took the dingy to Elm Tree lighthouse, near New Dorp. She is in care of Capt. Jacob Swain. Miss Prentis left the coat on the Houston."

The coat and cap were turned over to Mr. Clark. The coat was an extra one kept in the Adelaide. The cap had the New York Yacht Club emblem on it.

Joseph Kramer, of 57 Barrow street, called on Mr. Clark yesterday and said that he had seen a man answering Mr. Inman's description on the previous day. Kramer is a driver on the Forty-second street surface car line. Tuesday was his day off, and he went to South Beach. About 3 o'clock in the afternoon, Kramer says, he saw a man dressed in a wrinkled blue yachting suit leaning against a boat house and surrounded by a crowd of children. Kramer forced his way through the circle of children.

"The man acted as though he were dazed," Kramer said. "He had a deep gash on the right cheek, and he appeared to be suffering. He was evidently annoyed at the attention he attracted, for he walked away. I followed him some distance, but he finally eluded me in the crowd. When I reached the city last evening and saw the pictures and description of Mr. Inman in the papers I was much struck by the similarity of the man whom I had seen, and whose clothes looked as though they might have dried on him."

Mr. Clark at once began an investigation of Kramer's story. Thomas Foot, a friend of Mr. Inman's, went with Kramer to South Beach. The police all along the coast were notified, and a thorough search was made. Mr. Clark did not think there was any possibility of the man being Mr. Inman. South Beach is fully five miles from the scene of the collision, and Mr. Inman could hardly have swum there. He would have been obliged to hire a boat, and had he done so the fact would almost surely have become known.

The search for Mr. Inman's body was continued yesterday. In the morning Andrew Jacobs, sailing master of the Adelaide, examined the shores on both sides of the Narrows. He found nothing. The Cape Cod catboat Cynthia, which is lying at Stapleton, has been fitted out with grappling hooks and drag nets, and yesterday she started in search of the body of the Staten Island shores on the south. The general opinion is that the body will not be recovered before Friday, and it may have been carried a long distance from the scene of the accident by the tide. Mrs. William H. Inman, mother of the drowned man, arrived at her home in this city on Tuesday evening from Branford, Conn., where she has been during the summer.

R. C. Washington of the Iron Steamboat Company concluded his investigation of the accident yesterday. In speaking of it, he said to a reporter:

"The Perseus did not run into the Adelaide. The latter ran into the Perseus, and at the time the Perseus had reversed her wheels and was going astern. A moment's reflection proves that this had to be the case. The Adelaide struck the Perseus at the forward bulkhead and ran under her guards. If the boat had been moving ahead, the Adelaide would have borne under her wheel, but instead of that she struck the starboard bow side, showing conclusively that the boat was going astern. I am glad it was not Capt. Hultz who was in charge. He is the most careful, conservative man we have in the fleet. If he could have avoided that thing he would have done it. Capt. Hultz and the quartermaster were at the wheel and the pilot was on the lookout. Here was a steamer coming up the bay in a full blaze of light. No doubt the Adelaide could have seen her for miles. When the pilot first sighted the Adelaide he said to the Captain: "There's a sail on the starboard bow." All kept watch of her, and found if she kept her course she would not come within fifty yards of the steamer. Suddenly they saw her master ease her sheet, and then is when the Captain gave the danger signal. No attention was paid to it. Capt. Hultz stopped his boat and drove her full speed astern. The Adelaide's master gave her more sheet, and, while the Perseus was running astern, ran into her at the forward gangway.

"I shall bring the Captain on another boat—not our boat, an entire stranger to me—who will testify, along with his quartermaster and pilot, that there were no lights on the Adelaide. She came near running into this vessel before she struck the Perseus. They had to steer clear of her. They looked at her with their bright glasses to make sure, and will swear that there were no lights aboard. The reason they were so particular about this point is that the Adelaide, being a white boat with white sails, was so nearly the same color as the water in that condition of darkness that the steamer was close to her before she was seen. This steamboat was two or three lengths ahead of the Perseus, going in the same direction.

"In regard to Mr. Inman. If he was drowned, he could never have been hit by the wheel, as the swish of the wash would carry him away from the wheel. Now, about that lifeboat. She was in perfect order, was put into the water at once, manned by two men, carried Capt. Jacobs to his boat, was told that everybody was accounted for, and that no damage was done. There was nothing to be done, and the boat returned to the Perseus after being gone fifteen minutes, all told. That was the reason Capt. Hultz went on his way. There was nothing more to be done. The moment the Perseus went on her way the Adelaide started her naphtha engine and put into the Atlantic Basin."

Mr. Clark received a telegram last night from the man whom he had sent to Staten Island to investigate the story told by Kramer. The telegram said that South Beach and Fort Wadsworth had been searched thoroughly, and that there was nothing in Kramer's story.

A CHARGE OF SWINDLING.

Two Men Said to Have Sold Bogus Picnic Tickets.

Joseph Connors, 23 years old, of 427 West Twenty-second street, this city, and John Lynch, 20 years old, of 152 Third avenue, were arrested in Williamsburgh last evening and locked up in the Bedford avenue police station on the charge of attempting to swindle by bogus picnic tickets.

For nearly three weeks the two have worked in Brooklyn and, it is alleged, victimized many business men. They wore the regulation uniform of the American District Telegraph Company, and Lynch had badge No. 1,591. The tickets they offered for sale were for the picnic of the "Jolly Messengers" at "Skelly and Sullivan's Pavilion," Coney Island, on Saturday night. Connors and Lynch said the tickets were given to them to sell by men in this city.

FEDERAL COURTS AND LAW.

Judge Taft Says the Full History of the Debs Case Will Amaze the People.

DETROIT, Aug. 28.—Immediately upon the assembling of the American Bar Association this morning Judge William H. Taft of the United States Circuit Court began the delivery of the annual address to the association. It had to do largely with Debs. Judge Taft said that within the last four years the Governors of five or more States have thought it proper in their official messages to declare that the Federal courts have seized jurisdiction not rightly theirs, and had exercised it to the detriment of the republic, and to urge their respective Legislatures to petition Congress for remedial legislation to prevent further usurpation.

The principal charge against the Federal courts has been that they have flagrantly usurped jurisdiction, first to protect corporations and perpetuate their many abuses, and second to oppress and destroy the power of organized labor.

The danger of destroying the proper influence of judicial decisions, the Judge said, by creating unfounded prejudices against the courts, justified and required that unjust attacks should be met and answered. He believed that the Governors, who are the chief accusers of the Federal judiciary were merely putting into language the hostile feeling of certain of their constituents toward the Federal courts, and but for such feeling the criticisms would hardly have been uttered. He quoted the enforcement of the Fugitive Slave law before abolition and the protection of the negro in his electoral and civil rights after that event as historical instances, showing how Federal courts may be subjected to most severe criticisms without just grounds.

In discussing the relation of the Federal courts to organized labor, Judge Taft said that as a matter of fact there is nothing in any Federal decision directed against the organization of labor to maintain wages and to secure terms of employment. The courts recognize the right of men for a lawful purpose to combine and to leave their employment at the same time and to use the inconvenience this may cause to their employer as a legitimate weapon in the frequently recurring controversy as to the amount of wages. It is only where the combination is for unlawful purpose that it has received the condemnation of the Federal and State courts.

Referring to the American Union strike, the Judge said that when the history of the great strike shall be written in years to come the absurd expectations and purposes of its projectors and their marvellous success in deluding a myriad followers in the active support will seem even more difficult of explanation than it does to-day. The mind that would conceive and so far execute the plan of taking the entire population by the throat to compel them to effect the settlement of a local labor trouble in Chicago was that of a genius misdirected. If the combination and conspiracy described in the bill in the Debs case and enjoined in the order of injunction was not unlawful, then there is no law in this country securing the rights of private property, no law authorizing the Federal Government to operate the mails, no law by which the regulation of inter-State commerce is vested in the general Government. A public nuisance to be more complete in all its features than that which Debs and his colleagues were engaged in furthering cannot be imagined. The novelty involved in the application of such a remedy to such an injury was not that injuries of the same kind had not before been restrained by injunction, but only that never before in the history of the courts had injuries of this kind been so enormous and far-reaching in their effects.

In closing Judge Taft said that it would not be surprising if the storm of abuse heaped upon the Federal courts and the political strength of popular groups whose plans of social reform have met obstruction in these tribunals shall lead to serious efforts through legislation to cut down their jurisdiction and cripple their efficiency. If this comes then the responsibility for its effects, whether good or bad, must be not only with those who urge the change but also with those who do not strive to resist its coming.

JOHN R. WALSH SUED FOR $200,000.

Charged by the United Press with Betrayal of Trust.

As John R. Walsh of Chicago came ashore from the Teutonic yesterday he was served with a complaint in a suit for $200,000 brought against him by the United Press for betrayal of trust and violation of his fiduciary obligations while acting as director and Treasurer of that corporation. The complaint sets forth that Walsh, while acting as director and Treasurer, and having full knowledge of the business affairs of the United Press, secretly formed a purpose of despoiling and destroying the United Press for his own personal benefit and that of a rival organization, and that to that end he disclosed to Victor F. Lawson and Melville E. Stone, both executive officers of a rival corporation, the business secrets of the United Press and exhibited to them statements in writing purporting to have been taken from the books of the United Press, showing the financial condition of the corporation whose Treasurer he at that time was, and that he made to them false and fraudulent representations that the United Press was in a state of panic and bankruptcy.

By these means and by various other misrepresentations, the complaint alleges, Walsh was able to divert from the United Press business to the amount of upward of $70,000 a year, included in this being the sums paid by the Chicago *Herald* and the Chicago *Times*, brought by John R. Walsh, and the *Illinois Staats-Zeitung*, controlled by him indirectly, its proprietor being under heavy financial obligations to him, and various other papers indirectly controlled or influenced by him.

Having done this, the complaint continues, he, in February, 1894, demanded payment of a sum of money then owing him by the United Press and resigned his post as director and Treasurer of that corporation. When the money was promptly and fully paid and the United Press driven into another condition of bankruptcy nor large the complaint alleges, Walsh sought to withdraw his resignations, in order that he might be once more in a position to obtain further information to use in hostility to the interests of the United Press and for his own personal profit and aggrandizement, and it was not until May 15, 1895, that his final resignation was secured and accepted.

DESERTER MOITZ ESCAPES.

Was Under Guard Awaiting Trial at Willet's Point.

WILLET'S POINT, L. I., Aug. 28.—Private Fred Moitz, a prisoner, escaped from this post to-day. Moitz enlisted in the Engineer Battalion about two weeks ago, and was identified by his descriptive papers sent to Washington as a deserter from the First Cavalry. He was lodged in the guardhouse on an order from the Adjutant-General at Washington, and yesterday he confessed to Major Koerner that he was a deserter. He was to have been tried by court martial six weeks later.

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The Strike on Proctor's Theatre Settled.

The strike on Proctor's new theatre on East Fifty-eighth street on account of the employment of non-union electrical workers was settled yesterday by the discharge of the non-union men. All the strikers went back to work in the forenoon. An attempt was made to settle the strike at the Hoffman House, which was also caused by non-union electrical workers, but without success.

HER SWEETHEART IN JAIL.

WAS MAMIE HOGARTY IN THE JAIL-BREAKING PLOT?

She Took Food to Her Lover and Is Arrested on a Charge of Conveying Saws to the Prisoners—Her Lover Is Charged With Burglary, and Three of His Associates Had Broken Jail—It Is Said a General Escape Had Been Planned.

NEW BRUNSWICK, N. J., Aug. 28.—The detectives of Prosecutor Adrain's office say that they reached the bottom of the conspiracy to effect the escape of several prisoners from the Middlesex county jail when they arrested this morning Mamie Hogarty, 22 years old, who is said to be in love with Michael Barry, a former ward politician. Miss Hogarty was charged with specifically conveying to Barry and his associates in the plot saws in a basket which she took to the jail every day with a dinner prepared by herself for her lover.

The conspiracy to escape was discovered two weeks ago, but the instruments were not found until yesterday. Barry was arrested in May last, charged with being the leader of a gang of burglars, three of whom went to jail with him. His arrest created a sensation. Barring the fact that he kept a saloon on Burnett street the good-looking, affable, and well-dressed young man stood above suspicion. On June 10 eight men broke through the roof of Sheriff Richard Service's jail, and among them were Barry's three associates, Joseph Kelly, Louis Williams, and Frank Fisher. A trusted prisoner who gave up the keys of the cells on the upper tier was responsible for this. None of the escaped men has been captured. Barry denied all knowledge of the escape.

A second plot was disclosed two weeks ago by Edward Voorhees, a carpenter in jail for disorderly conduct. According to Voorhees, this was a plot of a few desperate prisoners led by Barry to effect a wholesale jail delivery, the Sheriff to be killed, if necessary to carry out their plans. Yesterday the tools were found, and this morning warrants for conspiracy to break jail were served upon Michael Barry in jail for a reason; Thomas Kelly, a burglar; Peter Lock and John Gallagher, dynamiters and burglars; Mamie Hogarty, the sweetheart of Barry, and Edward E. Voorhees, formerly a messenger or runner at the jail.

Peter Lock and John Gallagher were in jail for burglary. They were arrested at South Amboy after a fierce fight with a posse led by Marshal Minicke; both sides used revolvers, and several deputies were wounded. Both men had complete outfits of burglars' tools in their possession, and under the floor of the hut where they had lived a quantity of chloroform and dynamite was found. In their cell was Thomas Kelly, who had been arrested at Newark on a charge of burglary of the residence of James Stout in this city. In an envelope addressed to Kelly's wife a letter to John Martin, 129 Cherry street, New York, was smuggled out.

This was after Lock had suggested to Kelly that they secure from the outside saws, or "briars," as they are known in the thieves' lingo. The letter to Martin was apparently a blind, for it brought an answer from Philadelphia signed Peter Lock. Lock claimed to see his namesake, and held an interview with him in the jail corridor. That night, it is alleged, a dozen hack saws, such as machinists use, were smuggled into the jail in a basket of food brought by Barry by his sweetheart, Mamie Hogarty. The frames which to use the saws were drawn by Gallagher, who is a machinist, and, it is said, they were confided to Mamie Hogarty, who went to New York to have them made, and when they were finished sent them in with Barry's food. The saws and frames were hidden in Barry's cell, U. S. 5, and afterward taken to Gallagher's, Lock's, and Kelly's cell.

With money secured from Kelly and Lock, Barry, it is charged, bribed the prisoners in cell 14 on the upper floor to change cells with those in cell 15, so that afterwards, when was in the plot and was then confined in cell 14, could get an opportunity to saw the bars in cell 15, the only one where the window was large enough to permit the escape. The change was effected through the treachery of Edward Voorhees, the runner, who was then in cell 15, saw the bars and returned the tools to Gallagher. It was then arranged that the escape should be general, and that the Sheriff should be overpowered or killed. With his keys every cell could be opened. The saws had fine teeth and the prisoners would have experienced no trouble in sawing the bars.

The plot was discovered on the eve of execution. One of the saws and a frame were taken out of the jail in an ash barrel. Eleven other saws were found in the wall of cell 15. A section of plaster was removed, the saws put in, and then the plaster replaced. In some way the prisoners secured some whitewash and covered up the plaster so cleverly that it was only after weeks of searching that a detective found the tools, and then only after repeated searches had been torn down. The frame, which is about fifteen inches long, was found hidden under a pile of newspapers in the bathroom.

All the other points in the story had been corroborated, and this morning the warrants were served. Voorhees was at large, his sentence having expired. He was arrested on the street on a charge of conspiracy to break jail, and upon another of having burglar's tools in his possession. He was committed to jail in default of bail. Miss Hogarty, who is employed at the *Herald* and the *Home News*, was brought by John R. Walsh, and the *Illinois Staats-Zeitung*, controlled by him indirectly, its proprietor being under heavy financial obligations to him, and various other papers indirectly controlled or influenced by him.

Having done this, the complaint continues, he, in February, 1894, demanded payment of a sum of money then owing him by the United Press and resigned his post as director and Treasurer of that corporation. When the money was promptly and fully paid and the United Press driven into another condition of bankruptcy nor large the complaint alleges, Walsh sought to withdraw his resignations, in order that he might be once more in a position to obtain further information to use in hostility to the interests of the United Press and for his own personal profit and aggrandizement, and it was not until May 15, 1895, that his final resignation was secured and accepted.

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