CAPT. EAKINS DISMISSED.

FOUND GUILTY ON THE PARKHURST SOCIETY'S CHARGES.

Col. Grant Votes in the Negative and Files a Brief Giving His Reasons—Mr. Andrews Files Another, in Which His Two Other Colleagues Concur.

After the routine business before the Police Board had been transacted at its meeting yesterday the charges of the Parkhurst society against Capt. Eakins were taken up.

Mr. Andrews moved that Capt. Eakins be found guilty of the charges as preferred and that he be dismissed.

Col. Grant voted "No," and his three colleagues voted for the dismissal.

Commissioner Grant filed a brief giving the reasons for his vote, and Mr. Andrews filed one, which was concurred in by Commissioners Roosevelt and Parker, giving their reasons upon the other side.

Col. Grant's document was very long. Of Capt. Eakins he says:

"He has served twenty-nine years in the Police Department in all grades from patrolman to Captain, and in that time only two complaints, of a trifling nature, apart from the present one, have been made against him. Both were made in the year 1868, and were dismissed. He is a temperate man, not using spirits. He has amassed no considerable fortune, nor is the alleged neglect of duty charged to be due to corrupt motives. Such a record adds greatly to the always existing presumption of innocence."

Col. Grant refuses to give much weight to the testimony of the Parkhurst society agents or of Mrs. Heremann, who were the principal witnesses against Eakins in the trial, and then says:

"A careful reading of the whole testimony shows that the great preponderance of the evidence, even that of the prosecution, establishes that the Captain discharged his duties well and greatly improved his precinct.

"I find, therefore, Capt. Eakins not guilty as charged," is his conclusion.

Mr. Andrews sums up his review of the case in his opening. He says:

"The substance of the charge against Capt. Eakins is that of neglect of duty in permitting the existence of twenty-nine specific disorderly houses, dives, resorts of prostitutes, and disorderly saloons to be open and flagrantly conducted within his precinct from Jan. 1 to May 15, 1895, without any earnest or zealous effort to discover, regulate, or suppress the same, as required by the rules and regulations of this department and the laws of the State of New York. Forty-four witnesses were examined for the prosecution and eighty-one for the defence.

"The evidence establishes beyond the possibility of a doubt the existence within the precinct of many houses and resorts of the character alleged in the charges for a period long prior to Jan. 1, 1895, during one year or more of which period Capt. Eakins was in command of the precinct. The prosecution also establishes clearly, with a single exception, the bad character of the houses and resorts as alleged during the period covered by the charges.

"I have," he concludes, "given to the defendant the benefit of every reasonable doubt where the testimony has been conflicting; but upon a careful review and reconsideration of the whole case I am forced to the conclusion that the charges are proven."

Capt. Eakins still has a chance to escape the effect of the dismissal through the appeal which he has taken in the suit in which he sought to compel the Board to retire him upon his own application before the charges against him were formulated. He was beaten in the lower court, and the case comes up early next month upon the appeal.

After the Eakins matter was disposed of, the Board retired Detective Sergeants Jacob von Gerichten and Thomas Daye each upon $1,000 a year pension, and dismissed Policeman Charles F. Brady of the Leonard street squad for being asleep in a doorway when he should have been patrolling.

Patrolman Henry F. Woodiwiss of the Kingsbridge station was fined fifteen days' pay. The probationary appointments of George W. Alberts and Patrick H. Joyce were revoked.

Patrolman James Bulger of Morrisania received permission to receive a silver medal and $10 for rescuing a woman from drowning. Detective Officer Michael J. Reidy was promoted to be Detective Sergeant. A pension of $25 a month was awarded to the widow of Patrolman John T. Delehanty of the East Thirty-fifth street station, who died of an assault committed on him while on excise duty. The trustees of the riot relief fund have awarded to Mrs. Delehanty a check for $1,000.

These transfers of patrolmen were reported by Acting Chief Conlin:

Edward W. Keating, from Central Office squad to East Twenty-second street; George P. Conboy, East Twenty-second street to East 104th street; Joseph O'Hara, Fifth street to East 104th street; Elbert M. Roberson, East Thirty-fifth street to East 104th street; Samuel Hammond, Delancey street to Eldridge street; John J. Herlihy, Bernard Wade, Julius Weiner, and John J. McGreevy, West Forty-seventh street to East Sixty-seventh street; James J. O'Neill, William Radigan, Jacob Ott, and Addison M. McDowell, East Sixty-seventh street to West Forty-seventh street; Michael H. Madden, West Twentieth street to West Thirtieth street; William Shevlin, Steamboat squad to East Eighty-eighth street.

BUSINESS TROUBLES.

Alleged Bad Faith in a Creditors' Committee—Mrs. Roberts Returns Alone.

S. P. Hyman, Chairman of the committee of creditors of Lyon Bros., fur manufacturers at 100 Prince street, called a meeting of the creditors hurriedly yesterday and told them that two members of the creditors' committee had broken faith. He declared that they had taken advantage of their position, had used information obtained from the books of the firm for their own benefit, and had attached accounts due the firm in other States, which they had learned of from the books. He had demanded their resignations, which they had since given him. He thought the creditors ought to know about the matter.

Joseph Ullman, one of the largest creditors, also criticised the action of the two members of the committee, and a motion was unanimously adopted expressing confidence in the other three members of the committee, Messrs. S. P. Hyman, A. Liebes, and A. Bremig. The two others represented two London firms who are creditors, and the creditors present united in a letter to the London houses expressing strong disapproval of the action of these representatives.

The Sheriff received yesterday another attachment against David H. Roberts, wholesale dealer in window glass, who suddenly left for Europe on the 9th inst. It is in favor of the First National Bank of Birmingham at Pittsburgh for $10,415 on several accepted drafts. Mrs. Roberts, who went to Europe with her husband, has returned, and it is said that Mr. Roberts is in Liverpool in very poor health.

Solomon Beards, manufacturer of picture frames and dealer in crockery at 821 Broadway, Brooklyn, confessed judgments in this city yesterday for $1,570.

Thomas A. Campbell, grocer at 1,114 Park avenue, confessed judgment for $4,690 in favor of H. & H. Brien, and Deputy Sheriff Mulvaney levied on the store.

Deputy Sheriff Williams received yesterday an execution for $10,072 against Henry M. Anthony, canned goods merchant of 100 and 102 Reade street, in favor of the Fifth Avenue Bank on two notes.

WILLIAM WINCKLER KILLED.

Fell Through an Open Hatchway and a Radiator Fell on Him.

PLAINFIELD, N. J., Nov. 26.—William Winckler, 22 years old, of this city, was instantly killed this afternoon. He was assisting James Vosley to carry a radiator on the second floor in a house being built for John Valiant. He was walking backward, and did not observe an open hatchway directly in his path, through which he fell. The radiator fell on him. He was a son of A. J. Winckler of New York.

Reported Against Flag-raiser Forbes.

The Aldermen's Committee on Lands, Parks, and Public Places, which has had in charge the controversy between Christopher R. Forbes and the Society of the War of 1812, over the raising of the flag on the Battery and in Central Park on Evacuation and Independence days, reported in favor of the Society of the War of 1812, at the same time recognizing that the Board of Aldermen had no jurisdiction in the matter. Protests against this report were received, and the whole matter was laid over for a week.

Silver Service Given to the Maine.

PORTLAND, Me., Nov. 26.—The exercises attendant upon the visit of the battle ship Maine to Portland were held to-day. A heavy fog and rain interfered with the public reception, but the Mayor and the members of the city government went on board this morning and were shown over the ship. This afternoon at 1 o'clock Gov. Cleaves gave a dinner to the officers of the Maine. This afternoon the presentation of the christening silver service was held in the City Hall. Mayor Baxter made a short address. Gov. Cleaves presented the gift, and Capt. Crowninshield of the Maine responded.

DE LACY'S RACE CASES BOGUS.

General Term Will Act on Referee Van Hoesen's Report on Monday.

As the result of the reference ordered by the General Term of the Court of Common Pleas to ascertain if the actions of Henry C. Judson and John C. Dudley against the Flushing Jockey Club, in which opinions concerning the constitutionality of the Racing laws were sought, were in fact real controversies, Referee George M. Van Hoesen filed his report yesterday that they were not real controversies. The report comes before the General Term for action on Monday.

Joel M. Marx, who appeared for Judson and Dudley, and Benjamin Steinhardt, who represented the Flushing Jockey Club, had thrown up their hands during the reference, Marx stating that the evidence showed that the races were not bona fide. The referee says:

"The testimony clearly tended to prove that the so-called race at Flushing on May 15, 1895, was not a real trial of speed, but merely a noncompetitive perambulation of the track by hacks unsaddled, hired from a livery stable without reference to their quality and ridden without an effort to ascertain which was the best. It also tended to prove that there were no stakes or sweepstakes; that there was no winner, no loser, no liability on the part of the Flushing Jockey Club, nor any real claim in favor of either Dudley or Judson. It was shown that Dudley was a porter in the employ of De Lacy; that Judson is the son of the doorman in Mr. De Lacy's employ, and that the sole purpose of the intended race was to frame a basis for a suit, in which the constitutionality of the so-called Percy-Gray bill might be determined, but such suit was not to be between adversaries whose interests really conflicted.

"No evidence was offered as to what connection, if any, existed between the Flushing Jockey Club and Mr. De Lacy, but the following facts were proved: That the plaintiff Dudley was in De Lacy's service; that the plaintiff Judson is the son of a man long in De Lacy's employ; that Solomon, who managed the so-called race in the name of the Flushing Jockey Club, was on intimate terms with De Lacy; that Mr. Steinhardt, who appeared in these actions for the Flushing Jockey Club, is De Lacy's counsel, and that De Lacy said, pending this reference, that if these actions failed others would be brought. From these facts, which were fully established, my opinion is that Mr. De Lacy really controlled both sides of the actions now before the Court."

Steinhardt said that the report virtually ended one phase of the matter. Another phase, he said, would come before Justice Ingraham on Monday on the return to the writs obtained by President Lawrence and Joseph Sturges, who were arrested for racing and bookmaking respectively.

DR. WEBB'S 80,000 ACRES.

It Looks as if They Might Be Added to the Adirondack State Park.

ALBANY, Nov. 26.—The State Commissioners of the Land Office and the members of the State Forest Commission met in the office of the Secretary of State to-day to consider the proposition that the State purchase 80,000 acres of land in the Adirondack region within the State Park boundaries in Hamilton and Herkimer counties. The land is a portion of that owned by Dr. W. Seward Webb. It has been damaged by an overflow on account of the construction of the Beaver River reservoir. Dr. Webb over a year ago filed with the State Board of Claims a claim for damages aggregating nearly $300,000, and has submitted his evidence upholding his claim. The State has not put in a defence, as the Attorney-General has thought that some settlement might be reached under the provisions of a law, passed by the last Legislature, which authorizes the State Forest Commission with the approval of the Commissioners of the Land Office to purchase, for the Adirondack Park, the whole or any portion of any township or great lot within the boundaries of the forest preserve, the owners of which have sustained damage by the construction of reservoirs by the State for canal purposes.

Edward M. Burns, manager of Dr. Webb's Adirondack property, and Senator Mullin of Watertown appeared in favor of the acquisition of the land by the State, especially as Dr. Webb agrees to drop all damage suits if the land is taken by purchase at its present value. Senator Mullin said that only in this way could the water power on the Black River be restored and preserved.

The two Boards discussed the question in executive session, and afterward the Land Board appointed the Attorney-General, State Engineer, and State Comptroller as a sub-committee to act with a sub-committee of the Forest Commission to investigate the matter. The Forest Commission appointed Commissioners Weed, Davis, and Layman to act with the sub-committee of the Land Board. It is estimated that the expense to the State of securing title to land damaged within the park will be about $500,000.

REAPPORTIONING THE CAPITOL.

Not Much Done Beyond Hectoring the Patient State Botanist.

ALBANY, Nov. 26.—The Trustees of Public buildings at Albany, consisting of Gov. Morton (represented by his private secretary, Col. Cole), Lieut.-Gov. Saxton, and Speaker Fish, met to-day to reapportion the rooms and space of the Capitol and the old State House. It was known for several days that the trustees were to meet, and great expectations were entertained of the manner in which certain departments that have spread all over the big building were to be compressed into closer quarters.

When the trustees found, however, that all the heads of large departments demanded more room and refused to take less they turned tail, abandoned all their reapportionment schemes, and fell back upon that modest, uncomplaining, and retiring State officer, State Botanist Peck. They ordered him to turn over forthwith his small corner in the old State House to the State Engineer, and to pack up his specimens of New York's flora, his plates of edible fringe, and the special report he made three years ago, but cannot get printed by the State because everybody else is allowed to get at his appropriation before he does, and remove all to the Capitol garret. He himself must bunk in with Dr. Lintner, the State entomologist, who has a little cubby hole under the eaves of the fourth floor.

The Third Brigade headquarters office, occupying one room, was evicted and told to betake itself to the Tenth Battalion Armory, as it never had any business in the Capitol. The State Bar Association, which quarters its Secretary on the State by an unwarranted piece of legislation enacted eighteen years ago, is to be taken out of its present office on the ground floor in order that the new State Prison Commission may have it. The association will be quartered on the same floor, the beautiful west end corridor being mutilated by having one end cut off and made into an office for this private society of lawyers.

MAN GOT BAIL; WOMAN DIDN'T.

Wheelock and Miss Johnson Fined $3 for the Cab Episode.

Cyrus J. Wheelock and Fannie H. Johnson, the young woman who chased him in a cab in the Tenderloin on Monday night, were charged with disorderly conduct in Jefferson Market Court yesterday morning.

The woman glared fiercely at Wheelock when she was brought into court. He was extremely nervous when they were arraigned together before the bar. Miss Johnson immediately began to upraid Wheelock for leaving her locked up in a cell all night while he got bail.

Magistrate Simms was unable to read the woman's name, because of the illegible manner it was written on the affidavit, so he asked her what it was.

"I'm Fannie Johnson," she replied, "or rather I'm Mrs. Wheelock, as this man has been living with me for the past five years, and I'm therefore his wife and he is the father of my children."

When her chasing Wheelock in a cab was referred to as the basis of the charges against her, the woman said:

"I was following my husband. He tried to get away from me and I tried to prevent him. We were both locked up, but he, the cause of all the trouble, was bailed out."

Wheelock said that he didn't know why he had been arrested.

"You are fined $3 apiece," said the Magistrate.

Special Officer Conway, who accompanied Wheelock, paid both fines. Miss Johnson and Wheelock left the court together, talking excitedly to each other. Neither of them would make a statement.

Lynchers Balked in South Carolina.

CHARLESTON, S. C., Nov. 26.—Last week a white woman was murdered near Hodges, S. C. Two negroes were arrested and landed in the county jail at Abbeville. An attempt was made about 3 o'clock this morning to take one of the prisoners out of jail and lynch him, but the Sheriff refused to admit the lynching party, and the local military promptly responded to his call. The lynchers left without accomplishing their purpose.

Long Island Horse Thieves Busy.

HICKSVILLE, L. I., Nov. 26.—William Williams's barn at this place was entered last night and a gray mare was stolen. Nothing was left behind that would furnish a clue to the thieves. Within a comparatively short time five horses have been stolen in Jericho, and a general reward for the recovery of the horses or information leading to the arrest and conviction of the horse thieves will be offered.

STOPPED RICH'S GAMBLING.

MRS. RICH HAD THE GAMBLING HOUSE RAIDED.

Her Husband Lost Money Steadily, So, After Following Him to the Place and Getting Evidence, She Notified the Police.

At 2:30 o'clock yesterday morning Acting Captain Curry of the Union Market police station raided the café of Jacob Spielberg at 374 East Houston street. The raid was made on a warrant issued by Magistrate Wentworth on evidence obtained by Mrs. Joseph Rich of 53 Pitt street, that gambling was carried on in the place. There were twenty-four persons in the café when the police paid their visit. They were all arrested and locked up, together with the proprietor. Several persons were playing cards when the police entered. Most of the cards and money were quickly thrust out of sight, but the police got 82 cents from one table and several packs of cards.

Mrs. Joseph Rich, who got the evidence on which the raid was made, lives with her husband in the basement at 53 Pitt street. Rich is a shoemaker, and according to the story told by his wife yesterday had saved some money. Several weeks ago he began to gamble, and lost money steadily. At first he used only his spare earnings, but as time went on and luck continued to be against him, the family hoard began to disappear.

At first Mrs. Rich did not know that her husband gambled, but after a time she found it out and tried to put a stop to it. When his wife reproached him for throwing away his money, Rich began to beat her.

"It was a long time before I knew what was the matter with my husband," said Mrs. Rich yesterday, "and even after I found out that he was losing money at cards I did not know where he went to play. He would not tell me what luck he had, but I could always tell when he lost, because he would be so cross afterward. By and by he began to play every night, and I guess he always lost. I don't know yet how much he spent, but it was a great amount—several hundred dollars.

"I began to be afraid that we would be beggars unless my husband stopped playing cards, but he would not listen to anything I said. He was crazy to win back what he had lost. Then I asked one of my neighbors what I could do, and she said that it was against the law, and that if I could find where my husband played I could have the man who kept the place arrested.

"So, on Friday night, I followed him when he went out and saw him go to Spielberg's. After a while I went in. My husband was not in the front room, and when I started to go through into the back room a man stopped me. I told him that I was Mrs. Rich, that my husband played cards there, and that I had come to bring him money to play with. Then he let me in.

"My husband was sitting at a table playing with several other men. He did not see me at first, but when he did he was angry. He jumped up and went home with me. On the way he said that he had lost $50, but that if I had kept away he might have got it back. The next day I went to the police station and told them that there was gambling going on in Spielberg's. The Captain said he would look into it. He found it was true. Now I hope that my husband will come to his senses."

Spielberg and the twenty-four persons arrested in his place were arraigned in Essex Market Court yesterday morning. Magistrate Wentworth let all but Spielberg off with a reprimand. The latter was held in $1,000 for examination.

Jacob Rice, a silk-cord spinner, of 367 East Houston street, went in the café of Joseph Botnen at 217 East Houston street, and between the hours of 7 and 10 o'clock on Monday evening had lost $70 at baccarat. He appeared in Essex Market Court yesterday and got a warrant from Magistrate Wentworth for the arrest of Botnen for keeping a gambling house. Botnen's arrest followed. Botnen's place was raided two weeks ago Sunday by the police of the Eldridge street station, but he was discharged for lack of evidence. On Rice's complaint Magistrate Wentworth held Botnen for examination.

ALDERMEN AND POLICE.

A Newsman and Bootblacks Complain of Notices to Remove Their Stands.

The Aldermen received yesterday a request from the Police Board for permission to erect two iron posts temporarily at Sixth avenue and Thirty-fourth street and in Madison avenue, between Twenty-sixth and Twenty-seventh streets, in order that a new signal system can be tried.

Alderman Noonan objected, on the ground that the posts would be illegal encumbrances, and that the Police Commissioners, of all men, had no business to ask for them.

Alderman Ware made some sarcastic remarks about Noonan's well-known dislike for the Police Board, and explained that these posts were a part of a system to help the police.

"Well," said Alderman Noonan, cheerfully, "if the thing is any good for catching burglars, I won't object, seeing as the police are no longer any use for that purpose."

The resolution was passed.

Abram Jordan, who has a news stand underneath the elevated station at Forty-second street and Second avenue, sent a vigorous letter to the Board about a summons he had received from the police to remove his stand. He protested that the Police Commissioners had promised to allow stands under the elevated stations to remain until the law could be modified. The letter was referred to the Committee on Law with power. The committee was also authorized to look into the cases of several bootblacks who had received summonses.

CORRUPTION IN NEW ORLEANS.

More Councilmen Indicted—District Attorney Sent to Jail For Contempt.

NEW ORLEANS, Nov. 26.—The Grand Jury reopened its investigations of municipal crookedness to-day. The investigations have been under way for more than a year, and forty-five indictments against members of the City Council have been found. The investigation to-day was over the reduction in the assessments which the Council is authorized to grant. It was shown that these reductions were secured by the payment of bribes to Councilmen who got the necessary measures through the Council.

Councilmen Calahan of the First ward and Dorch of the Twelfth were indicted, and it is probable that other indictments will be found. In the trial of one of the boodle cases to-day, Judge Moise and the District Attorney, Butler, got into a controversy, the Judge denouncing the District Attorney's office as scandalous. Mr. Butler replied sharply, and was sent to the parish prison for twenty-four hours for contempt of court.

SMOKING ON THE PLATFORM.

A Railroad Permitting This Responsible for Accidents to the Smokers.

The judgment of $7,500 rendered in favor of Abel C. Vail against the Broadway Railroad Company of Brooklyn has been affirmed by the Court of Appeals. Mr. Vail was riding on the front platform of a Broadway car. He was the only passenger and therefore there was plenty of room for him inside. He was smoking. The forward wheel of the car struck a switch, throwing him to the street and breaking his leg.

Mr. Pearsall contended that the railroad company was liable and produced a rule of the company which provided that smoking upon closed cars was prohibited except upon the front platform, and the company after making this rule permitted passengers to smoke upon the front platform and collected fares from them there. In making this rule it was asserted that the company waived any rights it had under the law, notwithstanding the posting of a notice forbidding persons to ride on the platforms while there is room inside.

Proposed Holiday Privileges for Venders.

The Aldermen passed yesterday several resolutions affecting street traffic in the holiday season. One, by Alderman Luntry, allows peddlers to stand on sidewalks near the curb to sell their holiday goods, the privilege to last until Jan. 8. Another, by Alderman Robinson, allows the street market in Ninth avenue between Thirty-eighth and Forty-second streets to be open until midnight on the nights preceding Thanksgiving, Christmas, and New Year's days in addition to Saturday nights. The third resolution, by Alderman Muh, requested the Board of Health to allow the hanging of meats and poultry in front of shops until Jan. 10.

Damages for Injury in a Steamship Collision.

In the Marine Branch of the United States District Court yesterday Judge Brown handed down a decision in the libel suit of Anne M. Whidding against the steamships Majestic and Dania. Mrs. Whidding sought to recover damages for injuries resulting from a fall caused by a collision between the two vessels on Oct. 1, 1890. Judge Brown awards Mrs. Whidding $650 as a fair compensation for the injuries received by her, laying the damages upon the Majestic and discharging the Dania from blame.

Boiler of a Towboat Explodes.

CINCINNATI, Nov. 26.—The towboat W. W. O'Neil burst her boiler this morning at the Ludlow Landing, injuring three of the crew. Engineer Andy McRoberts of Allegheny City had his left leg broken, Mate T. M. McDermott his arm broken, Steward H. Waisner very badly scalded. The three men were sitting on the deck immediately over the engine room when the explosion occurred.

CITY RAILROADS INQUIRY.

The People's Traction Company's Big Bid for Its Up-town Franchise Aired.

The Assembly Committee on Railways, which began an investigation into the street railway companies of this city on Monday, met yesterday at the Hotel Metropole. The combination of dull facts and sombre surroundings, such as the committee encountered in the old Court of Special Sessions in the Tombs, was too much for Nr. Nixon and his associates, and they decided that they must have more pleasant surroundings. Four witnesses testified at yesterday's session of the committee. Ex-Gov. Flower was expected to testify, but he is ill and could not be present. He may appear to-day. Ex-Lieut.-Gov. Sheehan was on hand yesterday to represent his client, the Union Railway Company, known as the "Huckleberry."

The first witness was Eli T. Landon, the Secretary of the Dry Dock, East Broadway, and Battery Railway Company. The company operates twenty-eight miles of road. It was chartered in 1863, and Mr. Landon has been connected with it for twenty-three years. The company runs 128 horse cars each day. It has been watching the experiments made by other companies with electricity as a motive power, and may try it in the spring. In 1894 this company's gross receipts amounted to about $720,000. Three-fourths of this was consumed by operating expenses. Three per cent. of it was paid in taxes. The road is capitalized at $1,200,000, and has a bonded debt of $900,000. In 1884 certificates of indebtedness amounting to $1,200,000 were issued. Since then $100,000 worth of these have been retired. This debt was created by a division of the surplus and other expenses. When Arthur C. Wade, counsel to the committee, asked why the certificates of indebtedness were issued if there was a surplus. Mr. Landon said, "I don't know."

In 1894 the corporation paid six per cent. on its stock and five per cent. on its certificates of indebtedness. Mr. Wade brought out the fact that during the last ten years the total dividends paid had been on the average 14 per cent. each year.

In the afternoon Matthew P. Breem, the attorney for the People's Traction Company, which bid 6975 1-16 per cent. on its gross receipts for the privilege of building an electric road twenty and one-half miles long in the Twenty-third and Twenty-fourth wards, was the first witness. Mr. Breem told the story of the auction sale of the franchise. He said that he considered that all the bids above 100 per cent. were worthless, and that his company's offer of 97 per cent. for the first five years and 95 per cent. a year afterward was the highest legitimate bid that could be made. He explained that the People's Traction Company wanted the road to connect with roads running into Westchester county, and that it could afford to transport passengers for nothing on it in order to increase the traffic on its other roads.

Mr. Breem said he thought that the law was a farce. He suggested that all such matters be left to the Sinking Fund Commission to settle, the percentage of gross earnings to be paid to the city to be determined yearly, as the tax rate is. Mr. Breem wants a minimum charge of three per cent. the first five years and five per cent. thereafter. Mr. Breem also said that he favored cheap fares. He said that there was nothing in the Cantor law to prevent the immediate transfer of the franchise in question to the Huckleberry road at a merely nominal rental. If such a transfer should be made, he didn't know on what the 6975 1-16 per cent. would be reckoned.

Mr. Breem said the Union Railway Company's charter was unconstitutional, in his opinion. Mr. Sheehan asked him why he had not pointed that out when he was counsel for the company, when the bill incorporating it was drafted. A sharp tilt took place between Mr. Breem and Mr. Sheehan. Late in the afternoon Mr. Breem asked the committee to summon Mr. Sheehan. It was decided that the committee could not do this, but it agreed to allow Mr. Sheehan to testify if Mr. Breem could get him on the stand. Mr. Breem says he wants just about ten minutes in which to examine Mr. Sheehan on the Huckleberry bill. When he says this Mr. Breem winks.

At 4:30 the committee adjourned till 10 o'clock this morning.

Schenectady's Student Burglars.

SCHENECTADY, Nov. 26.—Application was made before Justice Landon of the Supreme Court to-day by Attorney H. G. Glen, the lawyer for Humphrey and Miller, the students accused of burglary, for an order of injunction to restrain Chief of Police Campbell from having any pictures of the burglars taken. County Judge Cutler had refused to issue the injunction, but Judge Landon late this afternoon granted it. Neither Humphrey nor Miller has been able to secure bail.

Mrs. McMahon Dead.

Mrs. Mary McMahon of 211 West Sixty-third street died yesterday in Bellevue Hospital of a criminal operation, which, she said in her antemortem statement, was performed by herself.

George Savage of 201 West Sixty-first street, who was the cause of her condition, and Mrs. Bertha Schroeder, a midwife, of 318 West Fifty-sixth street, whom the police arrested for advising Mrs. McMahon to perform the operation, were held in $3,000 bail each by Coroner Dobbs to await the inquest.

BLACKMAIL OF BUILDERS.

MR. BINGHAM SAYS INSPECTOR REILLY STRUCK FOR $500.

It Was to Be for Winking at a Violation of the Law—Got $25, and $150 in Six Months—Experiences of Other Builders.

The Commissioners of Accounts, who are investigating the Building Department, took yesterday the testimony of James Bingham of Bingham Brothers, builders. He testified that in building some houses in 118th street last April he had found a bad bottom, where there had been an old pond. Inspector John P. Reilly told him that the law required him to dig ten feet below the curb line and lay cement.

"Reilly said that we could save $1,500," said the witness, "by disregarding the requirements, and he wanted $500 for permitting us to do so. I talked with my brother about it, and the next time I saw Reilly I told him that we would go to the bottom and run no risk. He said we would have a hard time finding the bottom. He came around afterward and made us stop work. We went to see Superintendent Brady, and he sent two special inspectors named Hornum and O'Connor. Then Reilly said he wanted money. I offered him $25 one day in the presence of my brother. He wouldn't take it from me because we had had a row, but I gave it to my brother and he and Reilly went around the corner. When my brother came back he said Reilly had taken the money."

Bingham's brother William had been subpœnaed, but was kept away from the investigation by illness. Bingham said that he had had trouble afterward about getting some plans passed and went to see Superintendent Brady about it. Brady said he had heard that Bingham had been paying blackmail and he wanted it stopped. The plans were subsequently passed. Bingham testified that his brother had paid Reilly $150 in six months, principally in 1894. Neither he nor his brother had ever paid money to any other official of the department.

Adolph Hoffstadt, a builder, of 35 West Ninety-seventh street, testified that an inspector, whose name he did not know, but whose number was 80, had demanded $10 because of a trivial disregard of the Building law, but that he had refused to pay it.

John T. Dietz, contractor for iron work, testified that an inspector named Montgomery had called his attention to the fact that masonry had been built upon his iron work before it was tested, which was contrary to law. Montgomery tested it, and found it all right. Dietz gave him $5 for his trouble.

Angelo Adamo, a builder, said he thought the firm of Adamo Bros. & Co. had paid building inspectors on two occasions, because when the firm was dissolved the Treasurer's accounts contained two items of that sort. One was for $15. He didn't remember the other, and wasn't sure the items were bona fide. He also testified that an inspector whose name he didn't know had stopped him from working on a building belonging to John J. Buttell because the plans had not been passed, and had left an address for Mr. Buttell. The next day Mr. Buttell said everything was all right. He had heard it said that Mr. Buttell paid somebody something.

The Commissioners do not know when the investigation will go on. The inquiry into the Dock Department will be continued to-day.

REDEDICATED AFTER LIGHTNING.

The Quakertown Church in which Forty Persons Were Overcome.

The Methodist church of Quakertown, Hunterdon county, was rededicated yesterday. It will be remembered that on Aug. 4, just after Pastor L. F. Bowman had pronounced the benediction, the church was struck by lightning. Nearly forty persons were overcome. The village residences were turned into temporary hospitals and nearly all the physicians in the vicinity sent for. Miss Minnie Frace, who was frightfully burned by the lightning, died a few days afterward without having ever regained consciousness. A number of the other parishioners were not expected to live, but they did. There are still a number, however, who walk with canes and complain of their inability to use their limbs as well as before.

The church, which was much injured, has been repaired. The building was crowded today. The dedicatory sermon was preached by the Rev. D. N. Hallorn of Newark. Other clergymen made addresses. Services were held in the church to-night, and more addresses were made.

$125 EXCISE FINE.

Bartender Semicke Sold Liquor on Sunday to a Policeman.

Alexander J. H. Semicke, a bartender at 1,641 Broadway, was tried in the Court of Special Sessions yesterday for selling liquor to a policeman on Sunday, Nov. 3. He told the Justices that he sold the liquor in direct violation of the orders of his employer, and that his employer did not even know of the sale, for he had kept the money.

Semicke was fined $125, with the alternative of going to jail for thirty days. He had pleaded guilty and expected to get off lightly.

When other excise offenders who were in court heard this sentence they entered a plea of not guilty, and asked for a transfer of their cases to General Sessions, where the fine has recently been only $100.

OLD JUSTICES IN CONTEMPT?

The Test Case Before Judge Gaynor Called Collusive and Fictitious.

The latest attempt of the Police Justices who were removed from office under the Power of Removal act to test the constitutionality of their removal has led to talk of proceedings for contempt against them or their agents. John Quinn was arrested in Brooklyn on Nov. 9 for abandonment on a warrant issued by ex-Police Justice Ryan. The arrest was made by City Marshal Edward A. Murray, and Quinn was taken before Justice Gaynor on a writ of habeas corpus and paroled. The case was argued on Nov. 16. Lawyer William Sullivan appeared for Quinn and argued that Justice Ryan had no power to issue a warrant. On behalf of Murray it was alleged that the Legislature could not abbreviate the term of office of a Police Justice. A. J. Dittenhoeffer and George Hoadly appeared for District Attorney Ridgway with that official's consent and argued that the Power of Removal act was unconstitutional. Decision was reserved.

This proceeding is denounced in a "suggestion" filed in Judge Gaynor's court by Lewis L. Delafield and Corporation Counsel Francis M. Scott of this city as "fictitious proceedings contrived and presented by certain persons who were formerly Police Justices in the city of New York to procure adjudication of a subject not in controversy between the real contestants, Murray and Quinn acting collusively and under the instruction of some person or persons, with a view to obtaining a decision by this court upon a fictitious issue, for the purpose of affecting the interests of those persons not parties to this proceeding and not represented in it."

The warrant on which Quinn was arrested was countersigned by Police Justice Haggerty of Brooklyn on an affidavit of Solomon D. Rosenthal that he recognized the signature of John J. Ryan, "a Police Justice." In an affidavit made before Assistant District Attorney Lindsay in this city Quinn now swears that he formerly worked around the Jefferson Market Police Court. On Nov. 9 a man named Frank came to him and told him to come to Brooklyn with him. He went with Frank to the City Hall in Brooklyn and there met Rosenthal, who said to him, "We're going to arrest you on account of your wife, but it will be all right. Nothing will happen to you."

Quinn says Rosenthal told him he would not be imprisoned. Quinn was then arrested by Murray and taken to Lawyer Sullivan's office, where a writ of habeas corpus had been prepared. He was taken before Justice Gaynor and discharged on his own recognizance. Quinn also said in his affidavit that Judge Ryan had met him on the street and told him that he would give him a steady job if the proceedings turned out all right.

Mr. Delafield said yesterday that the proceedings were in contempt of the Supreme Court.

Ex-Police Justice Ryan said last night that the complaint against the man was genuine. "The woman came to me," he said, "and I issued the warrant for her husband's arrest." As to Quinn he said: "I never saw him but twice. I shouldn't have known him if he hadn't been pointed out. I never spoke to him either time more than to tell him to get out of the way."

MRS. JOHNSON'S BAIL $10,000.

She Is Held for Trial for Firing the Winona Apartment House.

Mrs. Helen Louise Johnson, who is accused of trying to burn the Winona apartment house at 334 Central Park West on Nov. 21, was held in $10,000 bail for trial by Magistrate Brann in Harlem Court yesterday.

Fulton C. Parker, a tenant of the apartment house, testified to having discovered fire in the dumb-waiter shaft and to helping to extinguish it.

Policeman Michael Donnelly told of having found kerosene-soaked rags in tubs in Mrs. Johnson's apartments, and added that Mrs. Johnson called his attention to them before he discovered them.

Detective Meehan exhibited a white apron, a bit of lace, and a section of bed quilt which were found in Mrs. Johnson's rooms. They are said to match partly burned rags found on the dumb waiter.

Mrs. Johnson's two lawyers moved the dismissal of the complaint on the ground of insufficient evidence and lack of motive. They offered no evidence for the defence when the motion was denied.

Mrs. Johnson was locked up in default of bonds.

Hannigan in Poughkeepsie Asylum.

David F. Hannigan, who was on Monday committed to the Hudson River Insane Asylum at Poughkeepsie by Justice Ingraham in the Oyer and Terminer, was taken from the Tombs to the asylum yesterday by Prison Guard Kelly. Mrs. Hannigan joined her husband at the Grand Central Depot and accompanied him to the train. Hannigan will remain at the asylum until the doctors declare him sane. He chatted away logically enough. He said he thought he would remain at the asylum for a month. He wanted to stay there for rest. His wife will board at a house near the asylum and visit him regularly. Hannigan has been smoking a great deal of late, and he carried a pocketful of cigars.

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PAINTER DE HAAS'S FUNERAL.

The Services Held in the Antique Room of the Academy of Design.

Funeral services for Maurice F. H. De Haas, the marine painter, who died on Saturday last, were held yesterday morning at 10 o'clock in the antique room of the Academy of Design. The bier lay at the north end of the room covered with flowers of different colors, and most noticeable among these were violets and red roses. About the apartment are grouped the plaster casts of the famous masterpieces of ancient sculpture. Back of the coffin stood a statue of the Apollo Belvedere, and crowded against the walls were other well-known figures from antique art, towering above the friends of Mr. De Haas, who were seated on camp chairs arranged in rows across the room. The light that came through the windows illuminated the room faintly, and the figure of Dr. Rainsford, who conducted the ceremony vested in a white linen surplice, was the one object on which the light seemed to centre, against the dull background and the shadowy statues that made up a scene of gray and dusky monotone.

The Episcopal burial service was read, and Dr. Rainsford delivered a brief address. The pall bearers were J. G. Brown, J. M. Hart, S. J. Guy, Kreuseman Van Elten, De Forest Bolmer, Thomas W. Wood, and James D. Smillie. A number of artists who have been for many years friends of Mr. De Haas were present, and the white and gray heads predominated in the assembly. Some of the academicians and associates present were: Edwin H. Blashfield, James M. Hart, Samuel Colman, J. S. Hartley, Alfred C. Howland, Daniel Huntington, William McGrath, George W. Maynard, Charles H. Miller, Thomas Moran, E. Wood Perry, John Rogers, T. Addison Richards, Horace W. Robbins, Arthur F. Tait, Wordsworth Thompson, Edgar M. Ward, George H. Yewell, J. Carroll Beckwith, A. F. Bunner, J. Wells Champney, Lockwood De Forest, Joseph Lyman, George H. McCord, Robert C. Minor, William Morgan, P. P. Ryder, and George H. Story. The interment was at Greenwood.

PARTICULAR ABOUT HIS GRAVE.

A Provision in the Will of Musician Mortimer Marble of Brooklyn.

The will of Musician Mortimer Marble, who died in Brooklyn recently, has been offered for probate. This is one of the provisions:

My funeral shall not cost more than $80 and tombstone $50, to be set over my grave within six months after my death, my grave to be next to and on the right and west side of my mother's. No person shall be put in my grave except Arthur J. Walker, and no person in that of my mother. My body is to be kept unburied ninety-six hours, and not to be put on ice or embalmed.

The estate, valued at $5,000, is left to various relatives, and the violins owned by the testator are to go to Arthur J. Walker, the executor, who is also to receive the share of any legatee contesting the will. Mr. Walker has filed a renunciation of all his rights, including that of sharing the grave of his dead friend.

Firebugs Indicted for Murder.

Adolph Hirschkopf and Meyer Dietschek were indicted by the Grand Jury yesterday for murder in the first degree by arson. They are accused of having set fire to the tenement at 129 Suffolk street on May 31, 1894, at which Lizzie Yager, 4 years old, was burned to death.

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