POLICE AND FAKE HOTELS.

CORPORATION COUNSEL SCOTT INTERPRETS THE LAW.

He Advises Chief Conlin as to What "Hotels" and "Guests" Are Under the Raines Law—Also as to the Duties of the Police in Making Excise Arrests.

Corporation Counsel Scott handed down yesterday an opinion requested by Chief of Police Conlin which directly affects the mushroom hotels, and which will be read with great interest by the proprietors of saloons who have thought to dodge the penalties for Sunday liquor selling by securing hotel licenses. The Chief of Police informed Mr. Scott that nearly two hundred new hotel excise licenses have been issued recently to persons who have heretofore been doing business with saloon licenses. He also said in his letter that there seems to be ground for the opinion that in some cases, apart from an apparent compliance with the law as to the feeding and lodging of guests, such places are no more hotels now than they have ever been; and also that the changes were made or asked for to enable the proprietors of these places to keep them open and sell liquors on Sundays and on other days from 1 to 5 o'clock A. M.

The Chief asked if it is the duty of the police to take any action regarding these saloons which have secured hotel licenses from the old Board, or which may assume hotel privileges under the Raines law after May 1. He also asked if the possession of the hotel license is conclusive evidence that the places licensed are hotels within the meaning of the law. The Corporation Counsel, in his reply, says: "In my opinion the possession of an hotel license issued by the present Board of Excise is some evidence, although by no means conclusive, that the person holding it is the proprietor of an hotel, within the meaning of the Excise law."

He cites the law under which the present Excise Board grants hotel licenses, and speaks of the care which the Commissioners take to ascertain that the legal requirements are complied with before they grant the license. That such care is taken, he says, carries with it a presumption that the law has been complied with in every case, but, as the Commissioners have to act on information, and that information may be erroneous, it cannot be said that the possession of a hotel license can in any legal sense be considered as conclusive evidence that the holder does in fact keep a hotel. He says:

"You may therefore, in each case, inquire into that fact, and if you should find in any case that a person, although holding an hotel license, has not in fact the necessary accommodation for guests, the license will be no protection to him, and you will be justified in treating him as if he had no license whatever."

Mr. Scott adds that the duty of the police will be more plain and probably easier after May 1, when there will be no distinctive hotel license or tax certificate issued, and hotel proprietors will assume to take the special privileges permitted to them under the law on the assumption that their places are in deed and truth hotels within the meaning of the law. "So far as the hotel proprietor is concerned," says Mr. Scott, "the restriction upon the sale of liquor on Sundays, and between the hours of 1 and 5 A. M., are practically abrogated. He may sell liquor during those times, as to which all other persons are prohibited, to persons who are the guests of such hotel, with certain exceptions not pertinent to your inquiry, with their meals, or in their rooms or apartments therein, but not in the barroom or other similar room in such hotel.

"It is a matter of common knowledge that a large proportion of the persons engaged in the liquor traffic in this city find a considerable and enticing profit in the pursuit of that trade on Sunday, and it is not to be doubted that a very great number of those who will pay the tax specified in subdivision one of section 11 will seek to bring themselves under the definition of a hotel keeper."

The Corporation Counsel then quotes the definition of a hotel as given in the Raines law as follows:

"The term hotel, as used in this act, shall mean a building or place which is regularly kept open for the feeding and lodging of guests, and in which there shall be at least ten furnished bedrooms for their occupancy if situate in any city, incorporated village, or within two miles of the corporate limits of either."

He dwells on the fact that the hotel must be "regularly kept open for the feeding and lodging of guests," saying: "It will not be sufficient that it is so kept open on Sunday or between 1 and 5 A. M., but that it is 'regularly' kept open, which I understand to mean that it shall be so kept open every day, and at all usual and convenient hours. It must also be regularly kept open for the feeding and lodging of guests, which I understand to mean that it must be constantly furnished with the appliances necessary to provide its guests at customary and convenient hours with meals of the general character usually furnished by hotels."

Of the requirement that there be ten furnished bedrooms, he says: "I understand this to mean that there ten bedrooms must consist of separate apartments, and that each must be provided with sufficient bed, bedding, and bedroom furniture to bring them fairly and reasonably within the meaning of the term 'furnished bedrooms.'"

The question of what constitutes a "guest" of a hotel is next discussed. "Just who are to be considered 'guests,' is by no means an easy question to determine," says Mr. Scott, "but I think it is clear that the Legislature did not intend to include in this term persons who resort to a 'hotel' solely for the purpose of drinking, even though they go through the form of partaking of food."

A Massachusetts case in which the proprietor of an alleged hotel required all his guests on Sunday to eat before he would sell them drinks is cited. In this case the Appellate Court affirmed the conviction of the fake hotel man, holding that the term "guest" was to be limited under the statute to persons who resorted to the hotel for food and lodging, and not to persons who went for drink and were compelled to eat. "I do not know that this precise question has been passed upon in this State, but I cannot doubt that, if an attempted evasion of the statute should be proven, the same exposition of the law would be given by our courts," says the Corporation Counsel.

Referring to the right of the police to visit and inspect so-called hotels, Mr. Scott suggests that in suspected cases they make frequent use of this authority for their own protection. "It is inevitable," says he, in conclusion, "that many attempts will be made under the color of hotel keeping to avoid the generally stringent provisions of the Liquor Tax law, and it is quite impossible to anticipate the many questions that are likely to arise. I can only advise you generally, as I have already done, regarding other provisions of the statute, that, in all doubtful and suspicious cases, not so clearly violations as to justify summary arrests, the facts observed by your officers should be promptly brought to the notice of the District Attorney by sworn statements."

The hotel fever has died out within the past two or three days. Not a single license was granted by the Board of Excise yesterday, and no applications were filed.

Assuming that the new excise authorities would furnish all the stationery and do all the work incident to applications and bonds to be filed before a tax certificate will be issued, as the old Excise Board did, liquor dealers who have called at Special Deputy Commissioner Hilliard's office to make application have been surprised to be informed that Mr. Hilliard will be pleased to consider applications when they are filed with the bonds; that he has nothing to do with the making of applications, the applicants having to attend to that matter at their own expense.

The result has been that applicants have had to go to attorneys and to surety companies, who attend to the matter for them for a fee. Surety companies have been printing blank applications and bonds, and have offices fully equipped to attend to all of the application work. This will greatly simplify the work of Mr. Hilliard's bureau and lessen its expense. At the same time it will dispense with a little patronage which would be good for organization purposes.

NO RAINES LAW AMENDMENT.

Republican Senators Decide in Caucus Not to Make Any Changes.

ALBANY, N. Y., April 22.—The secret conference of the Republican Senators held last night discussed the advisability of amending the Raines Liquor Tax law in two important particulars. There were thirty-five Senators present. It was practically decided to do nothing more with the law this year, inasmuch as the Democrats had intimated it to be their intention, in case any amendment to the law should be considered, to harrass its progress by proposing amendments to suit themselves.

The propositions were to provide a means to enable the rebates for unexpired licenses to be paid June 30 out of the liquor tax funds and to provide all night licenses in cities of the first and second class on the certificate of the Mayor and Board of Police Commissioners.

New York Special Excise Agents.

ALBANY, April 22.—State Excise Commissioner Lyman to-day announced the appointment of the following special agents under the Raines Liquor Tax law for New York county at a salary of $1,200 each: P. J. O'Brien, 224 Madison street; Louis Friedel, 97 Canal street; James F. Pegnam, 304 East Twelfth street; Whitfield Van Cott, 56 Clinton place; Abram Lewis; Louis C. Grenner, 781 Sixth avenue; William L. Turner, John Noble, 346 West Fifty-sixth street; H. C. Auer, 1,437 Third avenue; John J. N. Symes, 260 West 126th street; M. B. Cohen, 112 East 110th street; Henry Cushen, 336 East 119th street; M. A. Snyder, 176 Washington street; Joshua T. Easton; Howard A. Green; William C. Rothman, 40 Second avenue.

COLUMBIA'S CHAIR OF MUSIC.

Edward Alexander MacDowell Said to Be Slated to Fill It.

At the meeting of the trustees of Columbia College on April 6, at which Mrs. Elizabeth Mary Ludlow offered to endow in Columbia a chair of music in memory of her son, Robert Center, a committee was appointed to consider the best way of applying Mrs. Ludlow's gift. It was announced yesterday that the committee had decided on the establishment of a professorship of music, which has for some time been considered one of Columbia's most pressing needs. The property comprising the Robert Center estate consists of real estate in New York and Brooklyn, and of securities. It is valued at about $150,000. It is hoped that the income will be sufficient to establish one or two scholarships in addition to the professorship.

The committee has selected as the man to fill the chair Mr. Edward Alexander MacDowell. The selection was made subject to the approval of the full Board of Trustees at their May meeting, but it is not thought that it will meet with any opposition. Mr. MacDowell is well known as a pianist and a composer. He was born in this city in 1861. His musical education began before he was able to read, and he was for some time a pupil of Mme. Teresa Carreño. In his early youth Mr. MacDowell went to Paris, where he studied for three years. He then went to Germany, where he studied under Ehlert Heyman, Liszt, and Raff.

Most of Mr. MacDowell's time has been consumed in teaching, but he has composed a number of works for piano and orchestra. His two best known sonatas are "Tragica" and "Eroica." Most of Mr. MacDowell's works have been published in Germany, but some of them have been made familiar to American musicians.

Mr. MacDowell is an intimate friend of Paderewski. It is said that a wealthy citizen of Boston recently consulted Paderewski as to the best means of employing a large sum of money for the encouragement of music in this country, and that Paderewski replied:

"Give it to Mr. MacDowell so that he can retire from teaching and give his whole time to composing. You will then be doing a great thing for America and for the art."

It is said also that the Bostonian was willing to adopt this suggestion, but that Mr. MacDowell declined the offer. In establishing a department of music Columbia is following the example of Harvard, Yale, and other American universities. It is expected that the new department will begin its work next fall.

President Seth Low of Columbia was asked about the probable appointment of Mr. MacDowell last night.

"No definite action will be taken until the trustees meet in May," he replied. "At present I do not care to say anything about it."

HARRY ALLEN'S TRUST FUND.

His Divorced Wife Gets All the Income, and He Sues for Part.

Harry Allen, who, like his brother, Vanderbilt Allen, is in legal difficulty with his divorced wife, had an action on trial before Justice Stover of the Supreme Court yesterday for a decree that he is entitled to a portion of a trust fund created by his mother, Ethelinda V. Allen. The Allens are grandsons of Commodore Vanderbilt. Their mother, in 1877, created a trust fund amounting to $35,000 in the case of each son. Vanderbilt Allen's wife got a divorce with alimony of $1,000 a year in 1889, and a few days ago Justice Truax decided that she was entitled to recover the alimony from this trust fund. Vanderbilt Allen has married again.

Harry Allen is suing his wife. His mother provided that the trust in his case should be "for the support and maintenance of Annie Odell Allen, wife of my son, Harry Allen, and of her said husband, Harry Allen, and the support, maintenance, and education of the children of said Harry Allen, for and during the natural life of said Annie Odell Allen."

Harry Allen married Annie Odell in 1867, and they have three children, Anna M. Atherton, Margaret Bruce Ketchem, and Edith Bruce Allen. Harry Allen was a broker, and during 1890, 1891, and 1892 lived most of the time in London, his wife living here. His wife heard of his conduct in London and brought suit here for an absolute divorce. She got a decree against him from Judge McAdam in the Superior Court in 1893, which recited that she was entitled to the income of the trust fund of $35,000 for the support of herself and children. Mrs. Allen has since been receiving all the income of this fund.

In the action tried yesterday Harry Allen asked that the court set aside a portion of this trust fund for his maintenance. He says that his mother did not intend that his wife and children should exclude him from the fund. The novel defence is set up that by his action resulting in the divorce he has exiled himself from his household, and that for this reason, and because of the decree of Judge McAdam, he is not entitled to share in the fund.

The trial was short, as the suit depended on questions of law. Justice Stover reserved decision.

TOWED HER INTO HALIFAX.

Coal-laden Schooner Viking and Crew Rescued by Steamer Potomac.

The British oil tank steamer Potomac, Capt. Leitch, which arrived yesterday afternoon from London, reports that on her last outward passage, on March 21, she fell in with the schooner Viking, from Newport News, Va., for Fall River, in a sinking condition. The Potomac rescued the schooner's crew, and towed the schooner safely into Halifax. The Potomac left New York for London on March 19, with a full cargo of oil. On March 21, at 4:30 P. M., in lat. 40.28, lon. 63.45, during a fresh northwest wind and rough sea, a four-masted schooner was sighted flying signals of distress. The Potomac bore down to the schooner, which proved to be the Viking, hailing from New York, and bound from Newport News for Fall River, coal laden. On approaching the schooner her Captain, Gardiner, signalled that he wished to abandon her. She was laying to with a sea anchor, her decks were all awash, and the sea was making a clean sweep over her. Two lifeboats were lowered over the steamer's side and sent away. The schooner's crew were rescued. Capt. Gardiner of the Viking stated that for twenty days his vessel had been in distress, and several times was on the point of sinking. On the 22d a wire hawser was made fast to the derelict, and the Potomac proceeded to tow her toward Halifax, a distance of 270 miles. On the 24th the derelict was brought into Halifax harbor. The Potomac, after replenishing her coal bunkers, proceeded on her voyage to London. The Viking was built at Bath, Me., in 1888, and registers 966 tons.

ANOTHER RAINES LAW TEST.

Saloon Keeper Balogh Says He Is Being Deprived of His Rights.

ALBANY, April 22.—Alexander Balogh, a saloon keeper of 103 Second avenue, New York, has begun a suit to have section 4 of the Raines Excise law, which terminates all licenses granted by the present Board of Excise on June 30, declared unconstitutional, and to restrain State Excise Commissioner Lyman from enforcing that part of the law in his case. The papers in the suit were served to-day on the Hon. P. W. Cullenan, attorney for Commissioner Lyman. A notice was also served that a motion will be made at the Albany Special Term of the Supreme Court on April 28, asking for an injunction to restrain Commissioner Lyman from interfering with Balogh's business in any way until the termination of his present license on March 21, 1897.

Balogh's papers recite that he holds a license which was issued on March 21 of this year, and that he had done nothing to forfeit it. Under the Raines law he must pay such further sum to Commissioner Lyman's deputy, at the rate of $800 a year, as would cover the time from July 1, 1896, to April 30, 1897, or have his place closed up. Balogh says he will not be able to pay this tax nor to furnish the required bond on June 30, and that the enforcement of the Raines law would do him an injury for which he has no adequate legal remedy.

It is declared on his behalf that the sections of the Raines law which annul his license on June 30 are repugnant to the provisions of section 1 and section 3 of Article I. of the State Constitution and to section 10 of the Constitution of the United States, in that they deprive him of rights, privileges, and property without due process of law and impair obligations and the contract between him and the State of New York created under the Excise law.

Edla Stimquist Pleads Not Guilty.

The woman known as Edla Stimquist, the servant formerly employed in the family of I. Townsend Burden, who was arrested on Monday night, charged with complicity in the robbery of the Burden diamonds, was arraigned before Recorder Goff yesterday to plead to the indictment found against her on Tuesday. Through her counsel, Abraham Levy, she pleaded not guilty, with leave to withdraw the plea and demur to the indictment on Monday. The girl was remanded to the Tombs. During the pleading it came out that Edla was married only a day or two before her arrest. She refused to give the name of her husband, his occupation, or his address.

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W. K. VANDERBILT'S CALLER

SHE RINGS LATE AND EARLY AT HIS HOUSE.

She Is Not Allowed to See Him and the Bell Is Muffled to Prevent His Being Disturbed—Finally Arrested and Committed for Examination as to Her Sanity.

Shortly before 7 o'clock on Tuesday night a well-dressed young woman rang the bell at the house of William K. Vanderbilt, at Fifty-second street and Fifth avenue. When Ernest Everhardt answered the bell, the woman requested that she be taken at once to Mr. Vanderbilt, as she wished to see him on a matter of importance. When the servant said that Mr. Vanderbilt was busy, the woman produced a note which she said must be delivered at once. The servant closed the door, leaving the caller standing in the outside vestibule, put the note in his pocket, and went about his house duties. Two hours later the door bell again rang violently. When Everhardt opened the door the young woman again confronted him.

"I've been waiting here two hours," said she, "and you'd better take me to Mr. Vanderbilt. I propose to see him before I leave the city."

She was told that Mr. Vanderbilt wasn't to be seen, and the door was shut in her face. Before going to bed the servant took the precaution to muffle the bell, so that Mr. Vanderbilt would not be disturbed by her coming again.

The young woman did not trouble the Vanderbilt household during the night, but early yesterday morning she was on hand once more. Shortly after 6 o'clock Everhardt heard the muffled gong pounding away at a great rate. When he opened the door the caller of the night before tried to push past him into the hall.

"You see I'm here again," said she, "and there isn't any use telling me Mr. Vanderbilt isn't at home. I know that he is."

"All right," replied Everhardt; "go around to the side door, and we'll talk about it."

At that the woman became indignant.

"I'm not a servant," said she, "and I don't propose to apply at the servant's entrance. I come of as good a family as your master."

Deciding that he wouldn't have any peace while the woman was at large, the servant put on his hat and went in search of a policeman. He found Policeman Diehl of the East Fifty-first street station half a block from the house, and told him that a crazy woman was disturbing Mr. Vanderbilt. The woman was still pulling at the bell when the policeman appeared.

In answer to his question as to what she was doing there, she said that it was no one's business but that of the man, Vanderbilt, but that she represented some influential families in Philadelphia. When taken to the station house, she said she was Estella Burmeister, 31 years old, and that she lived at 12 Pine street, Philadelphia. She added that she came to this city ten days ago for the purpose of seeing Mr. Vanderbilt.

Later, when arraigned before Magistrate Brann in the Yorkville Police Court, she said it was an outrage to arrest her for ringing the door bell of an American citizen.

"I have done nothing wrong, Judge," said she, "and there is no reason why I should be arrested. I called at Mr. Vanderbilt's house last night, and, admittance being refused, went there again this morning. I was insulted by a servant by being told to go to the entrance used by domestics."

"But why did you want to trouble Mr. Vanderbilt?" asked the Magistrate.

"I am without money," replied the prisoner, "and, knowing Mr. Vanderbilt to be a man of influence, decided to call upon him and obtain a situation. I have been the private secretary to one of the wealthiest gentlemen in Philadelphia, and I know most of the best families there. I also have friends in this city, among whom is Dr. Charles Quimby of West Thirty-sixth street."

She produced a letter from the Rev. Dr. Carter of Philadelphia, who, she said, was her pastor, in which Dr. Carter recommended her as a deserving woman of unusual ability.

"I think you are ill," said Magistrate Brann, "and I will send you to Bellevue Hospital, where the doctors will examine you. If you are all right they will no doubt let you go at once."

Miss Burmeister became indignant.

"I am able to see my own doctor," said she, "and it is unnecessary to commit me to a hospital."

The Magistrate, however, decided that an examination was necessary, and committed her to the hospital until the doctors could determine her mental condition.

While in the Yorkville prison Miss Burmeister wrote a dozen or more letters to persons in this city and Philadelphia, in which she said that she had been kidnapped by the police, and was to be locked up in an insane asylum. One of the letters was addressed to Mr. Depew, and a second to Bishop Potter.

Miss Burmeister, Miss Estelle Burmeister was for some years a stenographer in Philadelphia. Among others who employed her were the Rev. Dr. H. L. Wayland, Dr. William Pepper, the Rev. Drs. Dana, McCook, McConnell, and Bishop Whitaker.

"She was a woman of exceptional intelligence," said Dr. Wayland to-night. "I employed her for four years, but found her of an excitable and nervous temperament." The Doctor believes that her mind was partly unsettled when, some years ago, she took several courses of lectures at the Woman's Medical College, Philadelphia. She has recently devoted much time to the investigation of electricity and rarified air in a combination to communicate between distant points. Dr. Wayland believes she wanted to see Mr. Vanderbilt in order to induce him to take a financial interest in her investigations along this line. Her real name is Earnes, but she bears the name of Dr. Burmeister, who adopted her when she was a child. She has several sisters living in Philadelphia, and she visited Dr. Wayland as recently as Monday last, but said she must hasten back to New York.

THE OPERA.

The Performance of "Faust" at the Metropolitan Last Evening.

"Faust" was upon the stage of the Metropolitan last night with a familiar cast, Melba, the two de Reszkes, Maurel, Scalchi, and Bauermeister, and was but a repetition of many former performances both in merit and manner.

Nothing occurred to mar that smoothness of rendering which is an inevitable consequence of this assemblage of artists and the routine of frequent presentations. Melba has been suffering for more than a week with a severe cold, but her finished art enables her to sing divinely in spite of disadvantages, and only a slight degree of loss of tonal strength could be detected as a result of her indisposition. She will sing on Friday evening next for the last time this season as she sails on Saturday for Europe. Jean and Edouard de Reszke were both in good voice last evening. Edouard several times insisted on making the orchestra yield to his wishes with regard to proper expression, *ritardando* especially, to the great improvement of the music. Mr. Bevignani is none too tender with the exquisite phrases of Gounod's "Faust," seeming to begrudge sentiment to his interpretation, and often hurrying, as in the last act he constantly does, the outcome of his business-like proceeding being detrimental both to the breadth and meaning of phrases, each one of which is perfect and everlastingly beautiful.

WILLIAMS ACCUSED OF PERJURY.

The Policeman Charged with False Swearing in His Appointment Application.

Policeman John A. Williams of the Macdougal street station is accused of having committed perjury in his application for appointment to the force. Williams was appointed on April 11. He swore that he had never been convicted or indicted for a crime. A few days ago Chief Conlin was informed that the policeman had been arrested several times in Chicago and in Minneapolis.

It was alleged that Williams was charged with a number of serious crimes in the West and that he was once indicted for blackmail with a woman who figured as his wife. Chief Conlin ordered an investigation. Inspector Cortright said that Williams admitted having been arrested in Chicago and Minneapolis, but said he was trying to lead an upright life now.

Williams was taken to the Criminal Court building yesterday, where the facts in the case were laid before the District Attorney. Acting District Attorney Vernon M. Davis told Inspector Cortright that the man could not be indicted on his own admissions, and that the case could not be presented to the Grand Jury without additional evidence. The Inspector said he would make further investigations. In the mean time Williams will not be suspended.

Soldier Gray Guilty of Manslaughter.

Private Matthew Gray of the United States Engineers at Willetts Point, was convicted of manslaughter in the first degree by a jury in the Queens County Supreme Court, Long Island City, last evening. In a quarrel in John Murray's barroom in Whitestone on Sunday morning, Oct. 13, Gray stabbed Patrick Shea, who died a few days later. Gray put in a plea of self-defence. In the evidence yesterday it was shown that he had been attacked in the saloon, but that he went out and returned with a knife. A strong recommendation for mercy accompanied the verdict.

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A JERSEY SCHOOL LAW UPSET.

Treasurers Under Special Charters Must Serve Without Pay.

SOMERVILLE, April 22.—Justice Magee rendered a decision in the Somerset Court to-day which seriously affects the treasurers of the Boards of Education of Somerville, Morristown, Fort Lee, Englewood, Ridgefield, Irvington, Cladwell, Princeton, and Long Branch where the administration of the public schools is carried on under special school charters. The law relating to special school charters originally provided for the election of a Treasurer by the Board of Education who should disburse the moneys, but there was no compensation allowed. In 1878 a law was passed providing that the Treasurer of the Board should receive the same compensation as a township collector for like services. Ex-Sheriff Coddington was elected Treasurer of the Somerville Board in 1885, and served five years without compensation. In 1891, and for three years thereafter, Treasurer Coddington took advantage of the new law, and presented a bill for his services, which the Township Committee ordered paid. He received $280 for four years' service under the new law. Treasurer Coddington was afterward slow in collecting his salary from the township, and in October last there was due him, for two years' services, $756. This amount the present Township Committee, under the advice of their counsel, Theodore Hoffman, refused to pay. Mr. Coddington instituted a suit to compel the Township Committee to comply with the provisions of the law.

The decision just handed down by Justice Magee declares the law of 1878, allowing the Treasurer to disburse moneys and providing a compensation for such services, is unconstitutional. He holds that the exclusion by its provisions of districts in certain towns and boroughs is special legislation. This decision affects the Treasurers of all School Boards in places having a special charter.

Treasurer Coddington has received and disbursed during the eleven years of his service $114,000, for which he now not only receives no compensation, but he must refund all that has been paid him. It is reported that the case will be carried to the Supreme Court.

BANK FAILURE IN DENVER.

The American National Closes Its Doors—A Run on the Bank of Commerce.

DENVER, April 22.—The American National Bank failed to open its doors this morning. A notice posted on the window said that "by order of the directors, the bank is in the hands of the Government." Bank Examiner Hills took charge. The event caused much excitement, and a run was at once begun on the National Bank of Commerce. The bank stood the drain, and at noon had paid every check presented. It is understood the associated banks will aid the Bank of Commerce should it be necessary.

The failure of the American Bank was not unexpected in banking circles. One by one its leading financial backers have been dropping out, and financiers knew that failure was inevitable. At a meeting of the associated banks last night proffers to assist the concern were made if the directors would do their part. This offer being refused, the American closed.

Mr. D. H. Moffatt, President of the First National, said to-day that the failure had no great significance. No important industry or enterprise would be injured, and no panic would ensue. It was merely a crowding-out process. The failure and the run, however, caused intense excitement throughout the city, and crowds gathered about the various banking houses to-night. As the Bank of Commerce continued to pay off steadily, the excitement began to subside.

At 12:30 P. M. the run on the Bank of Commerce stopped, after two-thirds of the depositors had withdrawn their money. A public meeting has been called by the misery depositors of the American National for to-morrow to talk about the alleged rottenness of the institution.

TORPEDO STEERING DEVICE.

Test of an Instrument by Which Attack on Ships is Made Sure.

NEWPORT, April 22.—The new target-seeking steering device for torpedoes had a trial near the Torpedo station this afternoon in the presence of Commodore W. T. Sampson, Chief of the Bureau of Ordnance; Commander G. A. Converse, and other naval officers. Its inventor, C. D. Haskins of Boston, conducted the tests, aided by Dr. Louis Bell of Boston. Private trials have been conducted in Boston harbor against large vessels and were regarded successful. To-day's trials, though merely preliminary, gave much promise.

The device has a magnetic needle which deflects naturally toward a steel vessel as soon as the torpedo to which it is attached comes within magnetic range of the craft. The motor causes the rubber to turn so as to guide the torpedo in the direction pointed by the needle, and when the torpedo is parallel with the needle its rudder becomes fixed and it follows the ship in the most direct path. To-day the device made more than thirty knots an hour in a very heavy sea and a wind velocity of forty miles. The device weighs 130 pounds. To-morrow the tests will be very critical, especially as to the magnetic tendencies of the invention.

SIX JURORS IN THE HILDRETH CASE

Difficulty in Getting Men to Try the Alleged Train Wrecker.

ROME, N. Y., April 22.—The work of getting a jury to try the alleged train wrecker, J. Watson Hildreth, is slow. The defence will have no juror who visited the wreck or who has any dealings with railroads. A talesman who acknowledges that in reaching a verdict he would not take into consideration the youth of the defendant cannot sit on the jury with the consent of defendant's counsel. At the close of to-day's session six jurors had been secured.

An important witness for the prosecution, Chris Wagner of Albany, was in the Court House to-day. He was the fireman on engine 888, which drew the ill-fated train, and was the last man who saw Engineer Isager alive. He is still a cripple from the effects of injuries received in the wreck. He walks with a pair of crutches. District Attorney Klock has a dozen pictures among his exhibits, and in the District Attorney's room are the ends of two rails fastened together with fish plates and spiked down to ties. Hildreth apparently watches the newspaper reporters more than the court proceedings.

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WEYLER'S CATALOGUE OF "CRIME."

He Is Deeply Grieved Because the Patriots Don't Fight with Kid Gloves On.

HAVANA, April 15.—Governor-General Weyler's chief of staff gives a list of acts by insurgents which caused Gen. Weyler to proclaim them criminals and threaten them with death. Gen. Weyler authorizes its publication, "that the facts may be proven, and the world may see to what use the arms sent to the insurgents are really put." These deeds were all done within the week before the proclamation was issued.

The list specifies fifty-two different places in which the alleged criminal acts were committed. The acts complained of embrace burning sugar works, sugar cane, houses, railroad stations, killing seven people, levying blackmail on sugar estates, and threatening plantation owners.

In nearly every case, the chief of staff says, where a sugar plantation is destroyed it is because its owners and workmen do not stop work and let themselves and their families starve at the order of these men, whose acts above stated, Gen. Weyler holds, show them to be bandits, deserving naught less than extermination. Gen. Weyler declares that if outrages are committed by the Cuban or Spanish troops under him, he does not know it or order it; that they are probably retaliations for such outrages as the above; but he says he is here to protect the peaceful and industrious people of Cuba against such wrongs, and intends to do it.

REFORMS FOR CUBA.

Spain's Premier Says They Will Not Be Applied Until Times Are Favorable.

LONDON, April 22.—The *Post* to-morrow will publish a despatch to a news agency from Madrid saying that Señor Canovas del Castillo, the Prime Minister, says that political reforms in Cuba will not be applied until circumstances are favorable for such action and Captain-General Weyler requests that it be taken. The despatch also says that the Prime Minister reaffirms positively that there is not the slightest foundation for the reports that negotiations are being carried on between the Governments at Madrid and Washington.

$500 TO GET AN ENGAGEMENT.

How Mme. Van Duyer's Money Was Spent in Vain by Mr. Blumenberg.

Louis Blumenberg, manager of the International Bureau of Music, at 112 East Eighteenth street, appeared in the Yorkville Police Court yesterday in answer to a summons obtained from Magistrate Brann by Mme. Marian Van Duyer, a professional singer. She charged him with having obtained $500 from her on the promise that he would get her an engagement, which he had failed to do.

Mr. Blumenberg told the Magistrate that the complainant had called at the International Bureau in January and asked him to procure her an engagement for this spring to sing in first class concerts. As was his custom, he offered for $500 to advertise her extensively, and use his efforts to procure the desired engagement. He made arrangements with the *Musical Courier* to advertise Mme. Duyer for six months for $300. He also sent to different managers of concerts throughout the country a thousand circulars furnished him by the singer, and put her picture, with an advertisement, in the weekly bulletin issued by his bureau.

"I did not agree to get her an engagement, your Honor," said he. "I can promise nothing of that sort; but I promised and have used all my influence toward that end."

Magistrate Brann said that the defendant could not be prosecuted criminally for the larceny of the $500, as it appeared that he had done his best to get Mme. Van Duyer an engagement. At the request of her lawyer, however, the case was adjourned until 2 o'clock on April 27.

A TRAMPING TINKER'S WOES.

Ill, Starving and Locked in a Freight Car for Eight Days.

William Turner, a homeless traveling tinker, who is suffering from rheumatism, was found yesterday morning in a Lehigh Valley Railroad freight car at Communipaw. He was unconscious and almost dead from starvation. He was taken to the City Hospital, where, under the influence of stimulants, he revived. He said that on Sunday of last week he started to walk from Elizabeth to this city. On reaching Waverly he had a bad attack of rheumatism. A freight train was standing on the track, and Turner climbed into an empty car.

He fell asleep and when he awoke he did not know where he was or what time it was. He tried to get out of the car but found the door locked. He kicked at the door and shouted, but no one came to his relief. Turner says he had neither food nor drink for nearly eight days, and he thought he was becoming insane. To add to his misery he suffered from rheumatism, and was obliged to lie on the floor of the car the greater part of the time.

When the car was opened yesterday the men who found Turner thought at first that he was dead. At the hospital it was said last night that there is a bare chance of Turner's recovery.

OLD GUARD BIRTHDAY.

Elaborate Ceremonies Upon the Occasion of the Seventieth Anniversary.

The Old Guard celebrated its seventieth anniversary yesterday. The battalion was reviewed by Major-Gen. Thomas H. Ruger, U. S. A., who afterward installed the officers. The battalion then marched up Fifth avenue to St. Thomas's Church, where the anniversary services were held. There was an elaborate musical service, and then the Rev. John W. Brown, D. D., pastor of the church and chaplain of the battalion, read the day's lesson. The roll of the dead was called, and the departure of Lieuts. Thomas C. De Luce and George W. S. Keiler and Private Zebedee M. Quimby in the last year was announced. There was more singing, and then Dr. Brown preached the annual sermon.

At the conclusion of the services the Old Guard marched back to the armory. The battalion gave an informal dinner in the evening.

To Extend Staten Island Trolley Lines.

The Staten Island Electric Railroad Company has filed a mortgage at Richmond for $2,000,000, in favor of the Mutual Life Insurance Company of New York. The mortgage covers the entire plant of the company. The money will be used in part in extending the company's lines.

ALONG WEYLER'S TROCHA.

FORTS BUILT EVERY TWO-THIRDS OF A MILE, PART OF THE WAY.

But Maceo's Men Cross and Recross When They Please—Weyler Massing His Troops in the Western Part of Cuba—Gomez's Orders to Give the Enemy no Rest

HAVANA, April 18.—To-day Antonio Maceo is about three miles from Artemisa, the centre of the trocha, with about 12,000 well-armed men. His brother, Gen. José Maceo, has come from the east by rapid marches, and is to-day at Guira de Melena with 5,000 well-armed men. Very important developments along the line of the trocha are expected soon.

The insurgent forces have been moving westward from the provinces of Matanzas, Santa Clara, and the extreme east for some time. Sufficient forces have been left in the east to keep in check the movements of the Spanish troops.

The number of Spanish troops along the trocha and in the province of Pinar del Rio has been greatly exaggerated, according to information received from other than Spanish sources.

The trocha from Guanajay to Artemisa is along the public highway. The cross roads or highways leading from east to west are blocked by palm logs and rude stone entrenchments built over them. There are no other kind of fortifications along that part of the trocha. From Artemisa to Majana there is no public road, and forts are constructed about every two-thirds of a mile. Deep trenches are dug around these forts, and outside of the trench is a barbed wire fence. All fences, weeds, and brush are cleared away from each side of the trocha for a distance of 500 yards. All persons coming within that line are shot without the command of halt being given.

At all points along the line of the trocha where there are woods the insurgents are camped. Every night after dark the insurgents creep up from each side of the trocha and fire on the Spanish troops. Companies of insurgents, bearing messages, cross the trocha every night from west to east and from east to west during this firing. When the insurgents desire to take a large body of men across systematic attacks are made at different points.

On April 5 Col. Antonio Nuñez crossed the line with about 1,000 men near Artemisa at about 8 P. M. The Spanish commander of that post is now being tried by court martial for permitting Col. Nuñez to pass.

The Spanish officers have instructions not to move their forces from the trocha even if they know that a town is being attacked near by. Gen. Weyler is withdrawing his troops from the east and bringing them west as fast as he can, but he is meeting with great difficulties, so that the movements of the troops are very slow. To-day about 500 cavalry arrived from Puerto Principe, and were immediately moved west. The trains only run a short distance from this city, and not to exceed ten miles an hour. If they contain troops they are fired on while running.

It is utterly impossible for the Spanish officers to make headway marching their troops through the country. The insurgents are so thoroughly drilled in guerrilla warfare that it is difficult for the Spanish troops to move. When the troops start out from a town they are attacked from the rear by small parties of insurgents, and if they turn to beat them off, they are fired on from each side. Gomez has given orders to his officers to give the Spanish troops no rest, to fire on them whenever they move, and if they settle down in a town, to fire on them at night. These instructions are being followed to the letter.

Yesterday the papers published an account of insurgents being in the suburbs of Havana and of the police killing a number of them. Some days ago, playing cards in a hotel in the suburbs of the city. Some policemen heard of it, surrounded the hotel, took all the men, bound them, and then shot them.

Some time ago telegraphic reports were sent from here saying that the Spanish troops had captured and destroyed the insurgent hospital near Los Palos. The facts have just reached here. A spy notified the Alcalde at Nueva Paz where the hospital was situated. The Alcalde started with a force to destroy it. On the way he was ambushed, and the Alcalde withdrew to Nueva Paz to wait for reinforcements. After he reached the town some inquisitive people counted his men and asked him if some were not missing. "Yes, he said, they are out chasing a small party of insurgents, they will be back soon."

The next day a planter living about three miles from Nueva Paz notified the Alcalde that there were about forty dead troops on his place and asked him to come and bury them. He did not bury his men. The insurgent hospital was not disturbed. The Alcalde made this report of what he intended to do, not what he did do.

The Spanish officers are indignant this month. Their salaries are fixed on a gold basis, but this month they were paid in silver—a discount of 15 per cent.

The revolutionists are still perfecting their organization. They now publish three newspapers, *El Rebelde*, *La Cuba Libre*, and *La Independencia*.

ARREST OF PREACHER DIAS.

Facts About the Man Whom the Spaniards Have Thrust Into Jail.

HAVANA