PRESBYTERY IN TURMOIL.

IT VOTES DEFIANCE TO THE GENERAL ASSEMBLY,

But the Majority Was Small, and There Were Hot Words and Exciting Scenes Before the Passage of the Resolution That Formed the Bone of Contention.

The assembly room of the old First Presbyterian Church never saw a stormier scene than the meeting of the New York Presbytery, which was held there yesterday afternoon. It was more like a Board of Aldermen passing a street railroad franchise or the State Assembly making the Raines bill a law than the pious deliberation of an ecclesiastical body. One of the members said recently that to mention Union Theological Seminary in the New York Presbytery was like waving a red rag before a bull. The red rag was waved yesterday, and the rumpus it caused is likely to waken an answer in the General Assembly. The war of words lasted for over three hours, and when the Presbytery finally came to vote half of them were ready to agree with the Rev. Charles S. Robinson, when he shouted in a voice that could be heard above the rattle of the Moderator's gavel and the din of half a hundred voices protesting to be heard:

"Brethren, we don't know what we are voting on. If we are forced to a ballot now we can only look in one another's faces and cast a party vote."

The session of yesterday was an adjourned meeting, and the business before it was a continuation of the discussion begun two weeks ago, when the Committee on the Minutes of the General Assembly brought in its report denying the right of the Assembly to control the Presbytery in the admission and licensure of candidates for the ministry. The report said in part:

In attempting to authoritatively control the Presbytery in this matter it seems to us that the General Assembly exceeds its constitutional powers and infringes upon the inherent rights of the Presbytery, which are specifically reserved to it by our constitution, as to the reception and licensing of candidates.

This was the part of the report that set the Presbytery in a tumult that lasted through two sessions. It was decided at the preceding meeting that the question of the adoption of this flat-footed defiance of the Assembly should come to a vote at 5 o'clock yesterday afternoon. Accordingly the members of the opposing factions came to the meeting yesterday prepared to fire hot shot into each other's ranks, and they lost no time in bringing their heaviest argumentative guns into action. The motion under discussion was one introduced by the Rev. George R. Alexander declaring that the language of the Committee on the Minutes of the General Assembly in its report should be put on record as expressing the opinion of the Presbytery.

The Rev. G. W. F. Birch, in opposing the resolutions, said:

"The overture complained of in this report was an effort on the part of the lower judicatory to know how to execute a certain decree of the supreme judicatory, and if, according to our form of government, it is the constitutional privilege of the Assembly to give advice and instruction in all cases submitted to them in conformity with the constitution of the Church, what principle of the constitution did the Assembly violate when it made that instruction an injunction?

"The overture grew out of a controversy concerning three theological students of Union Seminary against whose errors in doctrine and illegality if not immorality in practice the Assembly had borne ample testimony; also out of the fact that the efforts of the friends of that side of the controversy to introduce directly and indirectly, if not deceptively, students of that institution as candidates for licensure, were exciting and maintaining schismatical contentions. In the third paragraph of this report is an effort to have us subscribe to the astonishing assumption that a Presbytery has the right to nullify the laws of the Church as set forth by the General Assembly.

"It is puerile to attempt to draw a distinction between a disapproved institution and any professor in that institution when its present position in relation to the Assembly is entirely owing to the particular professor whom the Assembly has already disapproved in the most pronounced way possible. Everybody knows that each application of a student of Union Theological Seminary since the decision in the case of Dr. Briggs has been attended with debate so unpleasant that we sought through this overture relief from the fruitless and endless controversy. No one will pretend to say that Union Seminary discourages the so-called higher criticism, whose devotees, belonging to the orthodox churches, it has been well said, are the sappers and miners busy at work under the foundation of our Christian system, who, 'by their learned criticism upon the Scriptures, are doing more than open infidels to shake the foundations of faith and bring the Lord Jesus into contempt.'"

The Rev. John Hall suggested as embodying the views of the Presbytery the following:

That the Presbytery of New York desires to report respectfully to the General Assembly that it receives ministers from other Presbyteries or other denominations on being satisfied of their acceptance of the standards of the Church.

That it is the Presbytery's intention to apply the same principle in the preservation of scriptural doctrine to all applicants for license.

That the Presbytery desires on the one side to hold fast the truth as embodied in our standards and at the same time, in the interest of peace and Christian harmony, does not exclude from application for licensure students who give evidence and assurance of their loyalty to the standards of our Church.

This was putting the principle laid down by the committee in a form less likely to rouse the ire of the General Assembly, and it seemed to please the Presbytery.

"It is a question of the authority of the General Assembly," said the Rev. Howard Duffield, "that we are called upon to face now. It affects the whole Church and its theory of government, and it is too great to be side-tracked, as it will be if we adopt this substitute. We must face it squarely."

The Rev. Charles S. Robinson said that he was ready to rebel against the Presbytery if it were going to rebel against the General Assembly. "I will allow no majority of the Presbytery to state my opinion and the opinion of Presbytery that will not allow the highest court in the Church to state theirs. I don't belong to any Church that is governed from the bottom up."

By this time it was almost 5 o'clock, and twenty men were shouting for recognition from the Moderator. Dr. Birch got the floor long enough to shout, "Those who vote against this report vote against the Bible, the foundation of all doctrine and belief."

A vote was taken on the adoption of the substitute drawn by Dr. Hall. There were lusty shouts from both sides, and the Moderator declared the substitute lost. Then a division was called for, and it was found that the ayes had won by a vote of 51 to 47.

After the announcement of this vote there was greater confusion than ever, and in ten minutes the majority of the Presbyters, including the Moderator, were all at sea as to just what action they had taken. Some of them claimed that a vote should be taken on the original motion, while others maintained that this was not necessary. A vote was finally taken, and the motion as amended by the substitute was carried by a small majority.

This action virtually serves notice on the General Assembly that the New York Presbytery will be its own judge in the admission and licensing of candidates for the ministry.

As soon as the result of the vote was announced the Rev. J. Ford Sutton jumped up and said:

"I give notice of a complaint to the General Assembly."

A motion to adjourn was carried in the midst of a uproar, and the meeting broke up in confusion, most of the members rushing out of the hall without waiting for the concluding prayer and benediction.

M'KNIGHT'S ODD FUNERAL.

An Eccentric Tarrytown Man Who Wanted Crude Burial Arrangements.

WHITE PLAINS, April 27.—Application was made to Surrogate Silkman to-day for the probate of the will of the late John McKnight of Tarrytown, who died about April 1. McKnight was eccentric. He left explicit instructions to his family as to the manner in which he wished them to conduct his burial. These directions are now made public.

He directed that his body be wrapped in nothing but a sheet and placed in a rough pine box, to which were to be attached rope handles. The box was then to be placed in the baggage express wagon of Austin York and taken to the Sleepy Hollow Cemetery to the family plot. His wishes were complied with in a way, except that the family rebelled at the idea of the express wagon. A pine box was used, but it was carefully stained, and its rope handles were covered with white ribbons.

The Stolen Stradivarius.

On the trial of Victor Flechter in the General Sessions for having in his possession a Stradivarius violin stolen from Prof. Bott, the prosecution said that it concedes that the violin produced in court by the defendant was the instrument Charles Palm bought from August Gemuender ten years ago. Several witnesses testified that they were pretty sure it was not the violin that Flechter had when he was arrested and that was produced at the Police Court. That violin Mrs. Bott identified at the time as her husband's. When the case was dismissed in the Police Court Flechter got back that violin.

CAT ON A TELEGRAPH POLE

From Friday Night Until Noon on Sunday—Lowered with a Rope.

A big tomcat was chased up a telegraph pole in front of 298 Furman street, Brooklyn, on Friday night, and he remained on his lofty perch until noon on Sunday. The cat, which is black, with four white feet, was first noticed in Furman street under the Montague street archway. He looked friendless, but was sleek and fat. Two dogs hove in sight, and the cat started south. A boy said, "Sic 'em!" and the dogs started after the fleeing cat. Tom ran from the west side of the street to the east. In this he showed poor judgment. He had many chances of escape on the west side of the street, but on the east side he had none. There were houses on the west side, but only a forty-foot stone wall is on the other side. As the pursued and the pursuers neared a telegraph pole in front of 298 the dog in the lead bounded into the air. He expected to land on the cat, but he didn't. The frightened cat had turned, and was climbing up the west side of the pole.

Half way up the pole he stopped to get breath and look down on his enemies. He meowed, and then first the dogs knew what had become of him. Their barking attracted a crowd of boys, who were soon joined by a crowd of men and women. The boy in charge of the dogs began to hunt for a stone. Tom by this time had got his second wind, and by the time the boy had found a stone he had reached the bottom crosspiece on the pole. He was sixty-five feet away from the dogs, and in a situation to dodge stones. The tom had gradually worked his way up to the fifth crosspiece on the pole, where he rested easily. He seemed to be perfectly satisfied with the situation.

Saturday morning he was there still and apparently as unconcerned as when the crowd left the night before. Women who lived in the houses on the other side of the street spent a good deal of the day looking at him, for it was pretty evident he felt unequal to the feat of climbing down. Frequently he would climb up and down between the five crosspieces, but he would not venture below the lowest one.

All day Saturday he remained on the pole and Sunday morning he was discovered there still. He appeared to be hungry for he meowed at intervals all the morning.

At last the interest in his situation grew so intense that a telegraph-pole climber was sent for. He buckled on his spurs, and taking a rope with him, climbed the pole. When he got up among the cross pieces he took Tom, who proved to be a gentle cat, by the neck, and tied one end of the rope around his body. This act was hailed with loud cheers by the crowd below. Then he lowered him toward the earth. The rope was not quite long enough, and the pole climber, keeping a hold of one end of it, began to climb down. In the mean time Tom kept up a meowing. He soon reached the ground, however, and the rope was untied. It didn't take him long to get out of the crowd. At 306 Furman street Mrs. Hannah Carroll's basement door was open. Tom dashed into the kitchen, where preparations were being made for the Sunday meal.

He was recognized immediately as the cat that had been on the pole, and he got something to eat and something to drink. And, my, what an appetite and what a thirst he had! He showed no inclination to leave Mrs. Carroll's house. The Carroll children wanted him to stay, and he did.

DEATH LURKED IN THE PAINT.

A Coroner's Jury Finds that James Carroll Died of Lead Poisoning.

The announcement in Sunday's newspapers that James Carroll of 249 Warwick street, Brooklyn, had died from inhaling the odor of green paint doubtless aroused afresh the fears of those people who are timid about being in rooms either papered or painted in green. Mr. Carroll's death seems to furnish a warning against the careless handling of green paint at least.

According to the story told by Mr. Carroll's family, he came home on Friday a week ago and made ready to paint a bedroom in green. It was housecleaning time, and he thought he would do some painting himself. He mixed the paint, but found that it was too dark in color, and put white lead in it to get a lighter shade. He mixed it while sitting in his parlor with his family around him. Then he went up stairs and began to put the paint on the wall. He worked for an hour or two that night, and again on Saturday night for about the same length of time.

On Monday he was taken ill. His wife sent for Dr. Meyer. The Doctor said that he had painters' colic. Carroll seemed to be getting along pretty well for the next few days, but was unable to go to work. On last Friday night he died.

Dr. Meyer said yesterday that although there had been in his mind no doubt of the cause of Mr. Carroll's sickness, he had reported the death to the Coroners' office.

"They told me," he said, "that he had come home with some white lead and Paris green on Friday a week ago and had mixed them in the parlor. He told me himself that he put the Paris green in with his hands. His family told me that he was literally covered with the paint by the time he was through. He had it, they said, even on his moustache. They also said that he then drank a glass of beer. It is probable that he got some of the paint directly into his system from his moustache or he might have absorbed it through his skin. Moreover, Paris green is so light that if it were carelessly handled, much of the powder would rise in the air, and he would have breathed in a considerable amount of it. His symtoms were those of poisoning by white lead or arsenic."

The Coroner's verdict was that Mr. Carroll died of lead poisoning.

SHERRY TO MOVE UPTOWN.

He Will Have a New Place Diagonally Opposite Delmonico's.

It was announced yesterday that Louis Sherry would follow Delmonico's example and move his establishment further uptown. The site he has decided upon is the southwest corner of Fifth avenue and Forty-fourth street, diagonally opposite the place selected by the Delmonicos for their new building. The property, which belongs to Isaac V. Brokaw, includes Nos. 524, 526, and 528 Fifth avenue, and is 100 feet on the avenue by 200 feet on Forty-fourth street. The present plan is to erect a six or seven story building, but the foundations are to be deep enough to meet the demand for any change of design that may be made later. McKim, Meade & White are the architects, and they have carte blanche in the matter of designs.

The building is to be put up by Mr. Brokaw, and when completed it will be turned over to Sherry for a term of twenty-one years, with a privilege of two renewals. The work of tearing down is to be begun within ten days. The cost of the building is estimated at from $500,000 to $700,000, exclusive of the ground, and it is to be ready for occupancy one year from next September. The value of the ground is estimated at $1,000,000. It is said that Sherry has agreed to pay $60,000 a year rental.

On the first floor of the new building will be a French restaurant, with a palm garden in the rear; on the second, one of the largest and most magnificent banquet and ball rooms in the country, and the third floor will be so arranged as to be used in conjunction with the second. Apartments are to be set apart in the upper floors for bachelors desiring to make Sherry's their home.

MAN AND WIFE BURNED.

A Lighted Candle Exploded Benzine While They Are Cleaning a Bed.

While August Pfanner, a coachman, was cleaning a bed with benzine at their home in a tenement at First avenue and Seventy-sixth street yesterday, his wife leaned over him with a lighted candle. An explosion followed, which enveloped both in flames. In her terror the woman climbed out to the fire escape, and, opening the window, sought refuge in the next room, followed by her husband. He ran down stairs, shouting "Fire!" while Charles Softye, a butcher on the ground floor of the building, ascending to where the woman was, stifled the flames with bed clothing and carried her to the street.

She was taken to the Presbyterian Hospital, where her recovery is despaired of. Her husband's injuries proved less serious. Her burning garments had set fire to the room she fled to, while the explosion had fired her own, and a damage of $700 was caused before the firemen extinguished the flames.

PUBLISHER SACKMAN'S FIND.

He Is Made $10,000 Richer by the Discovery of an Old Deed.

Publisher E. Otto Sackman of 110 Arlington avenue, Brooklyn, while engaged a week ago in clearing out an old desk in his office in Centre street, discovered a deed executed over twelve years ago by Herman Ganz, transferring some property in East New York to Mr. Sackman's father, who is now dead. Mr. Sackman was surprised to find that the land included in the deed was occupied by a three-story flat building, and that Mrs. Ganz, the widow of Herman Ganz, was the owner of it. The widow had built on the property, being in ignorance of the transfer. Mr. Sackman, who is nearly $10,000 richer by the discovery, has given Mrs. Ganz what it cost her to put up the building.

ALARM IN A CONFERENCE.

ELDER STURGES TOOK OFF HIS COAT INOPPORTUNELY.

Brother Bynum Had Just Charged Him with Error, and the Brethren Got Anxious, but He Hung It Up on the First Nail—How Late May a Pastor Sleep?

The Conference of the colored brethren of the Methodist Episcopal Church in New Jersey, which has been in session for a week in St. James's Church, Newark, was on its last legs yesterday when the first bit of excitement came. The brethren have a committee on ministerial inefficiency, and every year when the annual Conference comes this committee investigates the various pastors. It listens to any tales anybody has to tell, and on the last day of the Conference, before the appointments are announced, it reports to the Bishop.

This committee reported just after the Conference was called to order yesterday morning. Two ministers, the Rev. W. A. Pembleton and the Rev. T. B. Bynum, had fallen under the investigating eye. Mr. Pembleton's case wasn't serious, and he pleaded successfully with the Conference for a new trial. Not so Mr. Bynum. He was accused of laziness, a sin against God and man.

Teh brethren were all seated when the committee reported. They promptly approved the leniency to Mr. Pembleton, and then turned toward Mr. Bynum. Mr. Bynum was mad clear through, for before he got up Bishop Tanner, who was presiding, had said that he feared he would have to send the gentleman back to the Pittsburgh Conference, whence he had come. The Bishop himself was not in very good humor. He had read something in a Morris county newspaper when he came into the church, and on opening the Convention had said testily: "We wish the white preachers of this county would mind their own business. They are always talking about morality, but they ought to tend to the morality in their own Church."

When the Bishop made the remark about Mr. Bynum, Mr. Bynum jumped up and said: "I know why they report that I am inefficient; I can tell you."

"Brother Bynum," said the Bishop solemnly, "what time do you get up mornings?"

Brother Bynum scratched his head and replied: "I usually get up between 6 and 7 o'clock, but sometimes I'm up at 5 or 6 or 4 o'clock. I am punctual."

This aroused Elder Sturges, who is up at 6 o'clock every morning. "Bishop," said the Elder, "I've called at Brother Bynum's home at 9 o'clock in the morning, and I've been told that he wasn't up yet. I've been told on these visits that he didn't get up until 11 o'clock."

The Elder spoke with emphasis and shook the pew in front of him. He had no sooner stopped than Mr. Bynum cried: "You're in error, you're in error, sir!"

There was a combined "O-o-o-o-o-o-o!" from all the brothers and sisters at this defiance of the Elder. The Bishop rapped and rapped for order. The Elder had seated himself. Now he got up and deliberately took off his overcoat. He stepped in the direction of Brother Bynum.

The excitement at that instant was intense. All eyes were on the pair. The Bishop was pounding for order. The Elder kept on his way. Mr. Bynum looked ready for him. The Elder stopped at the first nail he came to and hung his coat on that. Then with the same calmness and deliberation he proceeded back to his seat and sat down.

A mighty sigh of relief went over the church. The Bishop sank down in his chair, and said reprovingly: "The people might think you were taking off that coat preparatory to fighting. I will award the floor to Elder Sturges for him to apologize to the Conference."

"A-a-a-men," said Brother Bynum.

"Brother Bynum," said the Bishop, "this is unbecoming; but such an exhibition of temper as was shown by Brother Sturges shows an unfitness for the position. I don't want to have that kind of a thing represent me when he shows such an exhibition of temper."

All eyes turned on Elder Sturges then. There were looks of mingled disapproval and disappointment. The Elder made a graceful apology to the Conference and the Bishop, and Mr. Bynum, being sent back to the Pittsburgh Conference.

"What is your church rule about pastors sleeping late?" THE SUN reporter asked of Presiding Elder Newton later.

"Well, I think a pastor is a man that doesn't get up till 11 o'clock, he's lazy, ain't he? And if he's lazy ain't he inefficient?"

"It looks that way," assented the reporter.

"Preachers," said the Elder, "ought to have their churches closed at 10 o'clock at night and get to bed. It's time people were in bed then, and they get a good night's sleep and wake up early in the morning for work. How can preachers study and improve their minds to teach their people if they don't get up early and improve the time? How can they be qualified to teach unless they do this?"

"Is it a sin to sleep late in the morning?"

"Not if you work half the night, but preachers ought to have their churches closed at 10 o'clock. The people they minister to are hard-working people. That is late enough for the people to be out, and the preacher ought to be in bed when his people are. There is nothing to keep him up."

This view was coincided in by other elders. The Bishop could not be seen and Brother Bynum had gone home when the reporter got to the Conference. It was the almost unanimous opinion of the brothers and sisters who were asked about the trouble that Elder Sturges certainly did do wrong in taking off his coat at such a critical moment, even if he was only warm and did only want to hang it on a nail.

WEITZ'S MAD ATTEMPTS TO DIE.

Overcame His Wife and Hanged Himself—Cut Down but Tries Again.

NEW CITY, April 27.—Charles Weitz, aged 25, a German shoemaker, who has lived in this village for some years, tried twice in less than an hour to kill himself by hanging on Saturday night. He is employed in the shoe factory of Eberling Brothers, and for the past few months has been in poor health. On Saturday he told his wife he was going to kill himself.

He came into the kitchen a little later with a rope dangling by a noose around his neck. "Good-by," he said. Then he ran up to the head of the stairs, closely followed by his wife. When they reached the top he tried to fasten the end of the rope to the bannisters. His wife untied the rope several times and struggled with him until she was exhausted.

He finally succeeded in fastening the rope to the stair rail and flung himself off. His wife quickly procured a knife and cut him down. Weitz then seemed to have come to his senses and said he was sorry, and promised not to try it again. His wife was hardly out of sight again when he got another rope, and, going up stairs, hanged himself again. When found by his wife he was nearly dead. Charles Knapp, who was passing, heard Mrs. Weitz scream for help. He ran in and cut the rope.

It was nearly 1 o'clock on Sunday morning before Weitz came back to life. He acted like a madman for hysterics. He recovered from that condition on Sunday and said he did not know that anything had been wrong with him.

HIGH-SCHOOL GIRL MARRIED.

She Went Quietly from Brooklyn to Jersey City and Told About It Later.

Miss Lottie Hollwedel, the seventeen-year-old daughter of Charles H. Hollwedel of 290 Washington street, Brooklyn, on March 22 was secretly married to George Matelski, 22 years old, by the Rev. F. D. Sommers of Jersey City. The marriage was kept quiet until a few days ago, when the bride confessed to her parents and went to the flat her husband had fitted up for her. She has discontinued her studies in the Girls' High School. Her parents are entirely reconciled to the match.

LAW-ABIDING JERSEYMEN.

Not a Single Indictment Found by the Cape May Grand Jury.

CAPE MAY COURT HOUSE, April 27.—The spring term of court for Cape May county convened to-day. The Grand Jury completed its labors in less than four hours, without finding any indictments.

Where Bicyclists May Pray on Sunday.

Special efforts are to be made to attract wheelmen on Sundays to the services at the Brighton Chapel, at Neptune avenue and the Ocean Parkway in Brooklyn, near the Coney Island end of the cycle path. Bicycle racks have been fitted up in the yard in the rear of the church for the accommodation of the wheelmen. Next Sunday morning the Rev. D. F. Silleck will preach a special sermon for the wheelmen.

The Yacht Houri Capsized.

NEW ROCHELLE, April 27.—E. B. Hart's yacht Houri, a 21-rater, capsized off Glen Island Point last night. Mr. Hart had two ladies and a gentleman aboard as guests. Everybody aboard got wet, but they all got ashore safely.

Col. Pepper Able to Pay His Debts.

LEXINGTON, Ky., April 27.—Col. James E. Pepper, the distiller, will be able to meet all his financial obligations. His total liabilities are $444,971 and his assets $497,000.

NINTH'S TROUBLE CULMINATES.

Written Charges Against Capt. Wilcocks Submitted to Col. Seward.

The condition of affairs in the Ninth Regiment has become so serious, it is said, that the military authorities are now considering the advisability of reducing the organization to a battalion and of giving the Sixty-ninth Regiment the new armory for the Ninth, which is now almost completed. For some time, it is said, the affairs of the Ninth have been administered in a manner unsatisfactory to the military authorities and also to some of the officers of the regiment. While the latter have mildly hinted to the Colonel that events were transpiring which would result in trouble for the regiment, they took no decided action until yesterday.

The cause of most of the trouble, it is alleged, is Capt. Washington Wilcocks of Company G, who, it is claimed, has repeatedly violated military rules and has set a bad example in discipline to the men. The Colonel, it is said, has stood by Wilcocks and has practically ignored all the alleged disgraceful happenings. A fertile cause of dissension was the notorious stag given several months ago by Company G, which Wilcocks commands. At this, it is charged, a woman performer gave an indecent exhibition in the armory, and liquor was openly sold in defiance to military regulations. There was a drunken, fighting crowd in the armory until 2 o'clock on Sunday morning, when they were ejected by Janitor Hill. Col. Seward reported to Gen. Fitzgerald that no such occurrences had taken place. This made the officers of the regiment indignant, but out of respect for Col. Seward they refrained from demanding a court of inquiry.

Additional things happened, however, tending to hurt the good name of the regiment and impelling the officers to take action, and at the meeting held yesterday it was decided to take steps to compel Col. Seward to make a decided move in the matter. Capt. Wilcocks is charged with conduct unbecoming an officer and gentleman, and to save the good name of the regiment from further scandal Col. Seward is asked to request Wilcocks's resignation.

It is charged that the Captain has been drunk on duty and has had women in the armory. The officers who signed the document containing the charges and requesting the resignation of Capt. Wilcocks are: Major Solomon E. Japha, Major George T. Lorigan, Capt. William W. Marks, Company F; Capt. John D. Walton, Company D; Capt. Jerome B. Silsby, Company H; Capt. Harry L. Benner, Company E; Capt. Arthur M. Tompkins, Company B; Capt. Harold S. Poole, Company C, and Capt. Samuel S. O'Connor, Company A. The document was handed to Col. Seward by Major Japha at regimental headquarters last night.

Capt. Wilcocks said the allegations against him were a great surprise, and that he should fight the matter. Unless the Captain changes his mind a court martial is certain.

MUHLHAUSER WEDS MISS HIRSH.

Miss Tratek's Breach of Promise Suit Against Him Withdrawn.

Sigmund Muhlhauser, general manager of the F. Muhlhauser Woollen Mills of Cleveland, O., and Miss Rose Hirsh, daughter of Philip Hirsh, a wholesale tobacconist of New Brunswick, N. J., were married on Sunday afternoon at Victoria Hall, 641 Lexington avenue, this city. The Rev. David Weiss of the Jewish synagogue at Madison avenue and Sixty-fifth street officiated. Mr. Muhlhauser is a son of Frederick Muhlhauser, a millionaire woollen manufacturer, who died two years ago. The Muhlhausers are well known in Hebrew circles in Cleveland.

There had been rumors for a few days previous to the wedding that the ceremony would have to be postponed on account of a suit for breach of promise brought against Mr. Muhlhauser in Cleveland by Miss Mary Tratek of that place. The news came to the ears of Miss Hirsh's family, but they were willing that the ceremony should go on, as they were assured by Mr. Muhlhauser that he could arrange things satisfactorily. The papers in the suit against Mr. Muhlhauser were filed in the Cincinnati Common Pleas Court last Wednesday. Miss Tratek's lawyers had learned that Mr. Muhlhauser was about to leave for New Brunswick, and hurried up the suit, their idea being to prevent the ceremony if possible.

According to the Cleveland papers Mr. Muhlhauser made an offer to compromise, and it was agreed between him and Miss Tratek that he pay her $3,000 down and $25 a month for life.

Mr. Muhlhauser is at present stopping with his bride at the Union Square Hotel. To a SUN reporter he said:

"The Cleveland papers have grossly misrepresented the case, and I propose to take some action against them. The fact of the matter is that Miss Tratek had nothing whatever to do with the suit. The whole thing was trumped up by a couple of lawyers who, knowing that I had some money, thought that by this means they could get some of it. I was attentive to Miss Tratek and used to take her out driving, but that was before I became of age. I personally went to see those lawyers and showed them that they had no foundation for such a suit, and they withdrew it. They never got a cent from me. Miss Tratek is a very estimable young lady, and when I saw her relative in the case, she told me that the suit had been brought without her sanction. She said she was extremely sorry that it had happened, as she bore me no ill will whatever. The story published that I compromised by paying $3,000 down and $25 a month is absolutely false. Miss Tratek's relatives are not very well off, and, in view of this fact, I made Miss Tratek a present of $300, for which I have the receipt in full. That is all there is to the affair."

Mrs. Muhlhauser, who is 20 years old, is an accomplished musician and elocutionist. Mr. Muhlhauser met her while on a trip to the East. They had been engaged for over a year. Mr. and Mrs. Muhlhauser will return to Cleveland to-night.

CIGARETTE TRUST FINANCES.

Effort to Prevent Payment of the 20 Per Cent. Scrip Dividend.

Chancellor McGill heard argument in Jersey City yesterday on an application for an injunction to restrain the directors of the American Tobacco Company from declaring a 20 per cent. scrip dividend on the common stock in addition to a two per cent. cash dividend. The application was made by Lawyers Dickinson, Thompson, and McMaster in behalf of Frank Hillman Hall, who owns ten shares of preferred stock which, it is alleged, were assigned to him for the purposes of this litigation.

Mr. Thompson argued that it would be illegal to declare an additional 20 per cent. scrip dividend on the common stock, and would also be a violation of the conditions for the issue of preferred stock.

The Attorney-General of New Jersey was now prosecuting an action to break up the trust, charging that the American Tobacco Company is a combination of certain persons and companies for the purpose of endeavoring to destroy all competition in the manufacture of cigarettes and for the purpose of injuring the business of other manufacturers than those controlled by the American Tobacco Company. If the proceedings to break up the trust were successful, the company would be obliged to wind up its affairs and dissolve. If the directors be permitted to issue the proposed scrip dividend, there would be no assets to divide among the preferred stockholders.

In his answer Lawyer R. V. Lindabury declared that on Dec. 31, 1895, there was a surplus of $8,000,371.86. A dividend of $3,038,000 had been declared on the common stock. The preferred stock holders had received 8 per cent. The surplus, Mr. Lindabury argued, belongs to the common stock, and it was out of that surplus that the 20 per cent. scrip dividend was to be paid. Mr. Hall, the lawyer said, was only a puppet, a clerk in Dickinson, Thompson & McMasters office, and was only a stockholder of record. The stock was not owned by him.

Chancellor McGill took the papers and said he would give a decision before May 1, the date fixed for paying the extra dividend.

Lynch Will Bury His Wayward Daughter.

Margaret Lynch of 21 Pell street died suddenly of heart disease in the hall of the tenement yesterday, after being threatened with arrest for having burned an old mattress in the street. She was an associate of the Chinamen of the neighborhood.

Her body was about to be taken to the Morgue for burial in Potter's Field, when James Lynch of 78 Henry street claimed it as that of his daughter and said he would bury it. His daughter had always been wayward, he added.

Active Bidding for Brooklyn Bonds.

Seventeen bids, aggregating $4,153,000, were received yesterday for the $1,073,000 Brooklyn 3½ per cent. bonds offered. The highest bid was that of a combination, consisting of W. I. Quintard, Kerr & Cole and Lee-Higginson, whose offer was 100.03 for $1,027,000 of the bonds, and Blake Bros. bid 100.02 for the $46,000 uncovered by the combination bid. A decision as to the acceptance of the bids was deferred until to-day.

Bicyclists Must Light Up at Sundown.

HACKENSACK, April 27. Lieut. George E. Wells of Company G, second Regiment, saved $5 by four minutes on Saturday night. He was arrested by Police Captain Breen for riding a wheel without a light. Justice Harrison heard the testimony and rendered his decision to-day, releasing the accused. Lieut. Wells showed that he was arrested at 6:40 o'clock, while the sun did not set until 6:50, and the ordinance does not call for lights until sunset.

ACTORS' DAY IN COURT.

THOS. Q. SEABROOKE'S WIFE SUES FOR A SEPARATION.

Kate Claxton Examined in Supplementary Proceedings Under Rose Eytinge's Judgment—Francis Wilson Testifying—Sophie Traubman Sends Off a Press Agent.

It was a sort of actors' day in the courts yesterday. Elvia Croix Seabrooke obtained from Justice Smyth of the Supreme Court an order compelling Thomas Q. Seabrooke, the comedian, to show cause why he should not pay her alimony and counsel fees in an action she has just brought against him for a separation on the grounds of cruelty and abandonment. Seabrooke is now appearing in "The Speculator" at the Fifth Avenue Theatre. His wife, who played with him in "The Isle of Champagne," in which they made a hit several years ago in this city, subsequently played at the Garrick Theatre in "Thrilby." Seabrooke and his wife separated about a week ago while they were living at 107 West Thirty-eighth street. Although the suit is only for separation the friends of Mrs. Seabrooke say that an actress is at the bottom of the separation. Seabrooke is now living at the Hotel Metropole.

The Seabrooke marriage occurred July 24, 1883. In the complaint Mrs. Seabrooke says that Seabrooke has a disagreeable and ungovernable temper, and that he has in fits of temper called her names that can't be mentioned. Last summer at Larchmont, she says, he struck her several times and threw her to the floor. He had been drinking heavily that day. At Dayton, O., she says, he threw her against a bed, severely injuring her. Subsequently at Philadelphia he struck her several times, and so tore her dress that there was not much of it left.

While travelling about the country and playing with her husband in different companies she says she was to get $100 a week, but that he always collected her salary and spent it for his own purposes. The money he thus received she puts at $3,400. In "Thrilby" she received $100 a week. While she was playing in this company she says he often remained away o' nights, and when she demanded an explanation he told her it was none of her business. On June 4 last she says he came home intoxicated, and when she was assisting him to bed she found a woman's glove in his pocket. He told her that it belonged to a woman to whom he had been introduced that night, but he would not say who the woman was.

A week ago, she avers, he left her saying that he was through with her, and she could get all the divorces she wanted. She declares that he made $10,000 a year out of "The Isle of Champagne," and that since last Christmas he has earned $5,000.

Kate Claxton of "Two Orphans" fame was examined yesterday in supplementary proceedings before Justice Smyth in an effort of Rose Eytinge to collect a judgment for $1,400 obtained in June, 1894. The judgment was for breach of a contract to employ Miss Eytinge at $125 a week, to be subsequently raised to $150 a week in "Captain Swift."

Miss Claxton testified that she is living with her husband, Charles A. Stevenson, at 170 West Seventy-ninth street, where they have a flat. Her son Harold lives with them. She has a daughter, 24 years old, wife of Julian F. Meredith, who is living with her husband in Paris. Since 1889 she has not played any steady engagements, except in "Captain Swift" in 1890 and 1891, when she was employed by A. M. Palmer at $250 a week. This season she has performed in different pieces for her brother, Spencer H. Cone, at a salary of $50 a week. The examination went over to May 11, when she is to produce her bank books.

Francis Wilson, the actor, was examined before Justice Smyth before trial in the action brought against him by Joseph H. White on an assigned claim of Sydney Rosenfeld to recover $7,500 as royalties on the plays "Merry Monarch" and "Half a King." In which Wilson produced, and which Rosenfeld says he adapted, Wilson says that Cheever Goodwin did the adapting. Wilson testified that he produced "The Merry Monarch" 489 times in this city, and every day in the week on the road in the seasons of 1891 and 1892.

Sophie Traubman of the Metropolitan Opera Company was before Justice Lynn of the First District Court yesterday in a suit brought against her by Leon Marguelles, to recover $50 for services as a press agent. Miss Traubman said that she had not employed him. Judgment was given in her favor.

WAS HAMMERSTEIN LIBELLED?

He Gets a Summons for Koster & Bial's Business Manager.

A summons was obtained in Jefferson Market Court yesterday for William A. McConnell, the business manager of Koster & Bial's, ordering him to show cause why he should not be punished for an alleged libel printed in a theatrical paper of this city in which he is interested. The complainant was Oscar Hammerstein.

The alleged libel was a reprint from a London paper. It said that Hammerstein had cancelled theatrical contracts which he had no good ground for cancelling. The summons is returnable to-morrow afternoon.

ARRESTED ON STATEN ISLAND.

Sixteen Pawn Tickets Found on Two Men Who Have Lived There Three Weeks.

Sergeant Fulton of the Staten Island Police Department, is very likely to have charges of neglect of duty preferred against him by Counsellor Widdecombe of Stapleton, for representing to Police Justice Kullmann yesterday that the principal witness against the two men who were arrested last Saturday afternoon, charged with the theft of a locket from Jeweller Charles A. Terpisch of 206 Bay street, Stapleton, was out of town, when the witness in question was within a stone's throw of the court room.

The prisoners at the bar answered to the names of George F. Lewis and Thornton J. Hawthorne. They were flashily dressed and demanded through their counsel an immediate examination. The absent witness was John Duff, proprietor of the saloon in which Hawthorne was arrested, on Water street, near the Stapleton depot.

As was suspected, the names given by the prisoners at the time of their arrest were fictitious. When taken into custody the men denied knowing each other, but the developments of yesterday prove that they have been friends for a number of months. A few minutes before the prisoners were brought from the station house to the court room five well-dressed women entered the building. One of these was the mother of the prisoner answering to the name of Lewis, and another was his sister. Both of these women reside in West Fifty-eighth street, New York.

The mother gave her son a good character up to three weeks ago, since which time she had not seen him until she visited the Stapleton police headquarters. She said that her son was not given to late hours, and that until six months ago he never had a latch key. So far as the mother had observed her son was not a drinking man. Until he left New York he was employed regularly. While the mother has real estate she refused to qualify on her son's bond.

A woman representing herself to be Mrs. Joseph Earle claimed Hawthorne for her husband.

At the time of the arrest sixteen pawn tickets, calling for various articles of jewelry and clothing, were found on the man giving the name Lewis, besides a box containing one dozen silk handkerchiefs. One pawn ticket and a box of handkerchiefs were found on the other man. Detectives expect to connect the prisoners with some New York robberies through the pawn tickets.

The locket alleged to have been taken from Jeweller Terpisch's store is valued at $15. The prisoners entered the store within a few minutes of each other, one asking to look at sleeve buttons, while the other asked to see some lockets. Neither found what was satisfactory to him and they went out. Young Mr. Terpisch discovered that one of the lockets was missing, and he and his father started in pursuit of the strangers.

Meanwhile the two strangers had visited Duff's saloon and ordered whiskey, remarking that they had been drinking a certain brand since morning. Mr. Terpisch and his son went to the saloon, but the men saw them coming along Water street and hurriedly left the place, one going into the yard while the other stepped into the toilet. They were detected, however, and Sergeant Fulton, who was near by in citizen's dress, arrested them. The missing locket was not found on either of the prisoners.

Both of them have made Staten Island their headquarters for several months, it is believed, and his wife boarded with a Mrs. Sach, who lives on the Ringoldsand road, in the vicinity of Fort Wadsworth, and his comrade lived with a Mrs. Lynch, on the same thoroughfare.

St. John's Accused Bank Directors.

ST. JOHN'S, N. F., April 27.—Mr. Joseph Chamberlain has telegraphed to Gov. Murray, intimating the desire of the Imperial Ministry that the trials of the accused bank directors be proceeded with, and urging that no legal technalities be permitted to interfere with the course of justice.

Edward McQuade Killed by an Engine.

ARDSLEY CASINO, April 27. Edward McQuade, an employee of the Ardsley Casino Association, was killed to-day while driving a truck across the New York Central and Hudson River Railroad tracks near this station. A light engine struck his wagon while he was on his way to the association's wharf.

MAN UNDER THE BED.

Fought Hard When Discovered, but in Court Feigned Not to Remember It.

Saloon Keeper Frank Desch of 162 Throop avenue, Williamsburgh, after closing his place at midnight on Satur