HE SLAPPED HER FACE.

SO MRS. D'HOMERGUE BROKE A BOARD OVER HIS HEAD.

Then the Angry Wife Applied for a Warrant and Got a Summons—He Made Fun of Theosophy, and She Didn't Like It—Fought when the Guests Had Gone.

Dr. Louis C. d'Homergue is one of the best-known Grand Army men in Brooklyn. He is at present attached to the Health Department in that city, and is also the Chaplain of Tefft Post, G. A. R., a member of the Brooklyn Bicycle Club, and prominent in several Long Island improvement companies—among others, a bicycle railroad of which he is the inventor. Dr. d'Homergue is a small man. He stands only a few inches over four feet in his stockings, and is very mild and meek, his friends say. They never tire of telling of the Doctor's exploits during the late war, when, they say, he often distinguished himself. But the Doctor never says anything about these matters, and he keeps up his reputation among those who don't remember his war days as a man of peace.

With his wife the Doctor has occupied apartments at 229 Fulton street for a number of years. Mrs. d'Homergue makes up in stature what the husband lacks. She is over six feet tall and is a most distinguished-looking woman. Both the Doctor and his wife have hosts of friends in Brooklyn, and consequently there will be much surprise when it becomes known that the Doctor is to be arraigned in court this morning to answer to a charge of assault preferred by his wife. The story is all one-sided so far, as only the Doctor has consented to talk about the matter. Mrs. d'Homergue informed the reporters who approached her yesterday that she would reserve her side until this morning, but she assured them that when she did talk she would have something very interesting to say. Her eyes flashed when she said it, and so a lively time may be expected when Dr. d'Homergue steps up to the bar this morning.

The first intimation that anybody had that Dr. and Mrs. d'Homergue were not the happiest couple in the world came yesterday morning, when Mrs. d'Homergue came bustling into the Adams Street Police Court, accompanied by her lawyer. She was very much excited, and her lawyer was striving to calm her. His efforts were in vain, however, and everybody in the court room knew instinctively, the moment she appeared, that something interesting was coming. Nearly all the clerks in the court know the Doctor personally and his wife by sight, and she was permitted to see Justice Walsh right away.

"What is it you want, madam?" asked the Justice.

"I want a warrant for the arrest of my husband," said Mrs. d'Homergue, in a firm voice. "He has assaulted me, and I want him arrested."

"How did he assault you, and when?"

"He slapped me in the face last night," replied Mrs. d'Homergue, and her eyes flashed.

Justice Walsh waved the officers and clerks who were listening to the dialogue to one side and then in a low voice gave the woman some good advice. He told her that an arrest in the matter meant publicity for the children, and that, if she could possibly do it it would be better to settle the matter out of court.

"It is impossible," replied Mrs. d'Homergue. "He assaulted me, and I want him arrested."

"Very well," replied the Justice. "I cannot issue a warrant on the evidence, but I will issue a summons, and he will be in court in the morning."

"Very well," replied Mrs. d'Homergue, and with a stately bow, she stepped down from the stand and swept out of the court. All efforts to get her to talk about the matter were futile. When a reporter saw the Doctor and told him of his wife's action, he immediately agreed to tell the whole story.

"I am sorry it has gone so far," the Doctor said. "I wouldn't have believed that she would carry a matter like that into court and bring on both of us so much unpleasant publicity. I am sorry for her sake as well as for my own, for she is acting on impulse and will soon regret making such a mistake. It is all a very slight matter. Maybe I was to blame for throwing my wife into bad humor, but I did it innocently enough, and never thought it would result as it has. You see, both Mrs. d'Homergue and myself have always been very fond of our home and whenever I can, I stay in my apartments in the evening. Only business ever takes me away, unless I go out with my wife, and we have always been very happy together. Both of us are fond of cards and play a great deal. We frequently invite friends to come in and take a hand at whist or hearts, and last night our guests were two ladies, mother and daughter, who occupy apartments above ours. I will not mention their names, but they are quite old friends. Both of them are believers in theosophy. Frequently, when they come down into our apartments they talk over matters and my wife has joined in the conversation with them. I usually keep out of the conversation, because I don't care anything about such matters, and know less.

"We have a planchette board in the house, and the queer workings of that toy started the women to discussing the occult. They talked and talked about theosophy, spirits, ghosts, everything supernatural that you can think of, until I wearied a little of it, and suggested a game of hearts in order to change the subject. The rest fell in with my scheme; the planchette board was put away, and the cards came out. I was congratulating myself on my cleverness in turning the conversation when one of the women started it again. Then they went on and talked mahatmas, astral bodies, and all that sort of stuff, until I got sick of it, and began to guy them a little bit.

"I don't take a bit of stock in theosophy, and after telling the women so, I made most disrespectful remarks about mahatmas and said theosophy was all rot, and maybe, too, I said something about the mental calibre of people who did believe in such things. At any rate, my wife, who could stand my silence, got provoked at me for my lack of reverence for such things, and turning on me suddenly said: 'Doctor, if you don't stop talking like that I'll leave the game.'

"Naturally I was surprised at this outburst. Our guests were not the least bit indignant at what I had said or done, and they stared aghast at my wife. I couldn't believe that she was serious, and so kept to my jocular remarks. Suddenly Mrs. d'Homergue got up from the table, got a cutting board and a fresh pack of cards, and going into the next room, began playing solitaire. This childish exhibition of temper angered me, but I didn't say anything. Our guests called to her to come back and finish the game, but she paid no attention to them.

"We played three-handed hearts for a while, and I laughed and joked and did everything I could to keep up an air of cheerfulness. Our friends tried to help me out by laughing, too, but it was a rank failure. We couldn't drive away the cold wave that had settled around, and by and by our friends got up and said good-night. When the door closed behind them I went in to reprove my wife for her conduct. There she sat playing solitaire, with the cutting board on her lap. I didn't speak harshly to her, but simply told her that she was silly for making such an exhibition of temper in the presence of callers.

"Like a flash she turned on me and called me a name, too disgusting for me to repeat. It maddened me to think that my wife should say such a thing to me, and I walked up to her and slapped her lightly over the face. I can't describe what followed. She seemed to go out of her mind. Suffice it to say that she broke the cutting board over my head and injured me in other ways." Here the Doctor bared his arm and showed the reporter numerous cuts and scratches—"then she told me she had half a mind to throw me out of the window. However, I don't think she meant that. Now, we have been married ten years, and in all that time I never put my hands on her before. We have had occasional spats, but on the whole our life together has been very happy. I am pained and amazed over what she has done, and when I go to court in the morning I shall plead not guilty to the charge of assault."

DISLOCATED HER ANKLES.

Mrs. Habick Becomes Hysterical When Put Under Arrest.

Twelve-year-old Annie Glanz of 292 Delancey street, this city, dropped a pocketbook containing $7.75 on Tuesday afternoon, just as she was going to enter the Tenth street ferry house on the Brooklyn side. Mrs. Agnes Habick, 60 years old, of 977 Flushing avenue, Williamsburgh, picked it up. A ferry gateman saw her and called the girl's attention to it. The girl demanded her property, but Mrs. Habick declined to return it unless the girl described the pocketbook.

A policeman appeared, and as Mrs. Habick insisted on keeping the pocketbook he put her under arrest. At this she became hysterical and fell heavily to the ground. She was unable to get up and was assisted to the Greenpoint avenue police station. She was soon released on bail and taken to her home. A doctor discovered that her ankles were dislocated.

She was unable to go to the Ewen Street Police Court yesterday on account of her injuries, and Justice Lemon adjourned the case.

Their Golden Wedding.

POUGHKEEPSIE, May 20.—Mr. and Mrs. Clarkson Underhill celebrated their golden wedding here this afternoon. They were married fifty years ago in Brooklyn. Mrs. Underhill was formerly Miss Cornelia Vandervoort, a member of an old Dutch family which has been conspicuous in Kings county for two centuries.

JURY SERVICE A HARDSHIP.

Mr. Twombly Says the Lawyers' Squabbling Is an Outrage—His Experience.

Horatio N. Twombly, President of the China and Japan Trading Company, a millionaire and member of the Union League Club, was juror No. 4 in the Cohen divorce case, which was concluded on Tuesday. It was the smallest sort of a divorce case, but it occupied five days of the court's time, and the jurymen lost that much time from their business. The members of the jury showed their disgust in various ways during the trial. A SUN reporter called on Mr. Twombly yesterday and asked him for an expert opinion on the jury system.

"The system," said Mr. Twombly, "is all right, but this pesky lawyer wrangling is all wrong. Why, this Cohen case shouldn't have lasted a day. The Judge said it ought to be completed in a day. There was only one question at issue. That was whether the defendant committed adultry on March 16. That was the only question, and the testimony that was taken on that could have been taken in a few hours. Instead of that the whole time was taken up in wrangling by the lawyers. You never saw anything like it. They just wrangled, and when they didn't wrangle they spent the time trying to get in a lot of testimony that had nothing to do with the case, nothing whatever. Is it any wonder that the jurymen were disgusted with the thing?

"It reminded me of a case that happened out in the country when I was a young man practising law. It was the custom for the country lawyers to prepare their case, and then one of us folks from the city would go out and correct the pleadings and the like, keep them straight on the law, you know. Well, this case was a suit by a school teacher for salary due, and the other side, while acknowledging the claim, put in a counter claim for damages for permitting the spreading of the itch. Of course, the city lawyers wouldn't have anything to do with the case, and do you know those country lawyers talked and objected all that day and all the night and all the next day and the next night and the next day. That's what they did, and I say this Cohen case reminds me of that one. Here we were kept five days listening to a lawyers' squabble.

"Now, the object of pleading is to get right down to the facts, to get rid of all extraneous matter and bring out the material facts in the clearest light, so that there can be no mistaking them. Here the object of pleading on both sides seemed to be the obscuring of the facts, getting a great big cloud around them, so that nobody could tell what they were driving at, and the time of the court and of the jury was taken up unnecessarily.

"I was on another jury here about a year ago, in the City Court, and the case involved less than $200. It ought to have been settled in two minutes, but it took two days. The loss of time to the jurymen was worth more than the amount involved. Why, I could better have paid $200 than spend the time on the case. After that case was over we found that the defendant had offered to compromise before the case ever came to court, and the difference was only a few dollars, so that for those few dollars our time was taken up. That thing was outrageous.

"I say again that the system is all right, but the pesty wrangling is all wrong, and it's the taking up of time in this way that is largely responsible for the unwillingness of business men to perform jury duty. Serving on a jury is a duty, and every man should be willing to perform their duty, but men can't afford to waste their time or permit lawyers to waste it. Now, I worked twice as hard on that jury as I do in my business; I put in longer hours, and I come back at the end of five days with five days' accumulated work on my desk."

"You didn't try to escape duty on this jury?"

"No, I didn't. I thought the case would be a short one, and I was anxious to get off the jury list for a year. One service entitles a man to a year's liberty. Jury duty has come to be a great hardship. Now, I don't want to serve on that Fleming jury, with a certainty of six weeks practically of imprisonment. It used not to be so. Jurors were trusted and were permitted to go home when the business of the day was over. That enabled them to attend to their private business after hours. Nowadays they are locked up and their confinement is twice as long as is necessary, because the lawyers take up the time wrangling among themselves and trying to get in stuff in the record that is utterly immaterial. Men will fight shy of jury duty and will keep on fighting shy of it until the courts stop the wrangling of lawyers and hold them down to the facts."

When the trial of an action brought by Lazarus Wolff, administrator of the estate of Henrietta Wolff, against Simon Hanger to recover $6,000 for allegedly causing the death of Henrietta Wolff, was begun before him in Trial Term, Part IX., of the Supreme Court yesterday, Justice Glegerich cautioned the counsel in the case to use great caution in examining the jurors before accepting them. He said:

"I trust counsel will exercise great care in selecting the jurors in this case, as I do not wish to have a repetition of what took place in the Cohen divorce case. In that case one of the jurors did not discover until the case had been on trial for five days that he had such prejudices against the severance of the marriage tie that he could not decide the case."

MOTT AND COMSTOCK CLASH.

Anthony Poses as a Policy Expert, but the Magistrate Won't Listen to Him.

Anthony Comstock and Magistrate Mott clashed yesterday morning in Jefferson Market Court, and their wordy war ended in the custodian of the city's morals leaving the court in an indignant frame of mind.

William Clinton of 338 Eighth avenue was charged with running a policy shop. The policemen who made the arrest found a number of slips and other things used by policy dealers in Clinton's place. Comstock was in court when Clinton was arraigned and voluntarily offered to testify as an expert.

He told Magistrate Mott that, according to the Court of Appeals, it was held that under section 344 of the Code of Civil Procedure gambling apparatus found on the premises of any person constituted a crime, and that the act of gambling need not be witnessed by the policemen making the arrest.

"According to a recent decision of Recorder Goff," said Magistrate Mott, "such evidence is not admissible."

"I'm talking about the decision of the Court of Appeals," said Comstock.

"I don't care about that; I'm talking about the case before me," said the Magistrate.

"Well, I'm an expert in these matters, and I guess I know what I'm talking about," said the suppressor of vice.

"You'll have to stand aside if you don't conduct yourself properly in this court," said Mr. Mott, waving his hand in the air.

Comstock didn't move, and in a loud voice began to read the Court of Appeals decision.

"I won't listen to you, I say, I won't listen to you," said the Magistrate hotly. "Now step aside."

"I will be heard," said Comstock excitedly.

"Step aside, step aside," shouted the Magistrate. Comstock banged his law book shut and hurried out of court.

JURY TRIALS ARE UNCERTAIN.

Mr. Hutkoff Wouldn't Accept $800; Now He Gets Nothing and Costs.

Nathan Hutkoff got a lesson yesterday on the uncertainty of jury trials. He sued Mrs. Amelia Gorman, the widow and executrix of ex-Sheriff Gorman, to recover $2,000 damages for an alleged unlawful seizure of goods by Gorman when he was Sheriff. The case came up for trial on Friday last before Justice Conlan and a jury in the City Court, and the jury returned a verdict for $800 and costs in favor of Hutkoff. The verdict did not suit either the principals or their counsel.

The lawyers wanted a new trial. They got one, this time before Justice Fitzsimons and a jury in the City Court.

When the jury retired yesterday it was believed that the only question was the amount of damages the jury could assess. The jury was out but a few moments and returned a verdict in favor of Mrs. Gorman.

Hutkoff loses not only the $800 verdict of the first trial, but is now taxed with the entire costs of both trials, which amount to $700.

STRAW BONDSMAN ON TRIAL.

He Admits that He Was to Get 75 Per Cent. of the Profits.

Francis Prendergast, alleged to be the leader of a gang of straw bondsmen, was placed on trial before Judge McMahon in the General Sessions yesterday, charged with perjury. It is alleged that he swore falsely that he owned the property at 829 and 831 Eighth avenue and offered it as surety for a prisoner. Prendergast took the stand in his own behalf and said that he thought he had a right to offer the property as security, as a deed transferring the property to him in consideration of $1 was made out by Mary Lynch, under the direction of Lawyer Ralston Smith of 6 Wall street. This was done, he explained, so that he might go on bail bonds. He was to get 75 per cent. of the money received from those for whom he went surety, and Smith was to get the rest. He did not know Mary Lynch, and had only seen her once. He heard that Smith had fled.

A Requiem Mass for the Late Austrian Archduke.

With the permission of Archbishop Corrigan a requiem mass for the repose of the soul of the late Archduke Charles Louis of Austria will be said at the Cathedral on Fifth avenue, on Saturday next at 10 A. M.

PRONT MAY SOON WAKE UP.

THE CATALEPTIC SHOWS SIGNS OF REVIVING ACTIVITY.

Dr. Spitzka Says His Case Is Not Very Extraordinary—Katatonia, of Which Catalepsy Is a Symptom, a Form of Insanity—Due to a Tubercular Tendency.

Yesterday was the twenty-fourth day of sleep for Moritz Pront, the cataleptic at the Beth Israel Hospital in East Broadway, whose case has attracted such general attention. For the first time he showed some signs yesterday that the end of his sleep was approaching. In several instances faint responses were shown to the stimuli tried by Dr. Nelson. The efforts to arouse the boy by starving him were abandoned after a trial of two or three days. The electric applications have been kept up, and have been tried three or four times a day. Up to yesterday there was no response whatever, although the electric current was applied to the most sensitive parts of the body. When the electricity was tried yesterday, for the first two minutes there was more contraction of the muscles than before, and a disposition to withdraw the part to which the current was applied. It was as if Pront was trying to get away from the current. After a short time the effort ceased and the patient apparently made up his mind to submit. Dr. Nelson is certain that Pront retains some degree of consciousness in his catalepsy, and, as is characteristic in such cases, wilfully refuses to show any sign of life.

Another experiment which Dr. Nelson tried consisted in placing Pront on the floor and forcing the body down so that the head would touch the floor. Pront raised his arm feebly to protect his head, but in a moment submitted. Dr. Nelson was much encouraged by these indications of reviving activity, and hopes that the patient will become more and more aroused each day.

Dr. E. C. Spitzka, the well-known alienist, when seen by a SUN reporter last night, expressed surprise that the Pront case had attracted so much attention.

"This case is not a very extraordinary one," he said. "I have observed over 300 cases of the kind in hospital and private practice, although, of course, very few of the patients slept as long as Pront has. About two years ago, however, I had a patient who remained in a state of catalepsy for two and a half months intermittently, and for four weeks continuously.

"When I raised his arm to an uncomfortable position, which a person in a normal state would have difficulty in maintaining for five minutes, he held it rigid for two hours. Then it wavered and gradually dropped to his side. Most of these patients lose flesh very rapidly, and the chief danger is from inanition. They should be fed artificially at least three times a day.

"What is the ultimate cause of such attacks?"

"They are apparently due to a latent tubercular tendency of a hereditary character, which is particularly common among certain races. This disease, which is known as katatonia, is a mild form of insanity, and is usually accompanied by melancholia and a number of curious symptoms. These occur before the cataleptic state begins. Some of the patients present exaggerated, others diminished, motor activity. Katatonics exhibit a peculiar pathos, either in the direction of declamatory gestures and theatrical behavior or of ecstatic religious exaltation.

"Frequently the patients wander about, imitating great actors or preachers, and often express a desire to take steps to become such preachers and actors. In America the chronic stump speaking tendency is more frequently displayed by these patients, and in a negro suffering from katatonia the conversation in excited periods was noted to present the grandiloquent character which has been so aptly rendered in the minutes of the 'Lime Kiln Club.' In a better educated person, who had made a suicidal attempt in the depressed period, in obedience to hallucinatory suggestions, the excited periods were marked by a tendency to contradict everything said by others.

"The most striking phenomena of the disorder are its cataleptic periods. The catalepsy is extreme. For weeks and months the patients are immobile, resembling sitting corpses, requiring to be fed by other means than by carrying food to and from their beds, and betraying neither by look nor word that they have any mental activity left, although, on passing out of this state, they often recollect something of that which has occurred meanwhile. In one case that came under my observation the patient was fed through a tube which he was placed for a day at a time, and cases are reported of even longer retention of a constrained and uncomfortable position. The danger of pulmonary tuberculosis developing is considerable. The progress to dementia is generally slow, and does not go to an extreme degree.

"Probably this is due to the fact that it is in these very cases that a pulmonary affection closes the patient's career. In over two thousand male lunatics I found two per cent. presenting this form of insanity. In 187 tabulated cases from private practice, but one instance was observed. Roughly speaking the average is about four cases out of 500. I meet with seven or eight cases a year in private practice. The affection seems to be a mixture of disease and a sort of morbid stubbornness which actuates the patients to refrain from giving any sign of animation, although undoubtedly partially conscious."

Dr. Nelson says that so far as he has been able to ascertain none of the preliminary symptoms cited by Dr. Spitzka appeared in Pront's case, but that he went into the cataleptic state as if into a natural sleep. He diagnoses the case as one of hystero-catalepsy rather than katatonia. This is a somewhat similar condition which is much more common in women than in men. Dr. Spitzka, however, on the judge from the symptoms that have been published, is of the opinion that the case is clearly one of katatonia.

THE PRESBYTERIAN ASSEMBLY.

Lively Electioneering in the Interest of Candidates for Moderator.

SARATOGA, May 20.—The usual preliminary wire pulling and electioneering in the interest of the several candidates for Moderator of the Presbyterian General Assembly began to-day with the incoming of the Commissioners. The leading candidates for the honor are Dr. Monfort of Cincinnati, Dr. Withrow of Chicago, and Dr. Breed of Pittsburgh. The friends of these three men are working to the limit of their capacities to secure the honor for their candidate. Except for the clerical appearance of so many of the workers the scene resembles an ordinary political convention town on the eve of the event.

Dr. Withrow of Chicago seems to be the favorite candidate to-night. He has the advantage of a divided opposition, the ultra conservatives being unable to decide or to unite upon either Dr. Monfort or Dr. Breed, while Dr. Withrow is the candidate of the liberals, on account of his well-established reputation as a conservative. He has also been adopted by the moderate men of the East, who oppose the other leading candidates as extremists. Added to this strength is that of the Commissioners from the West, who have come on charged with the responsibility of putting a Western pastor into the Moderator's chair.

Much surprise was expressed when it was announced to-day that Dr. Withrow's name was to be presented to the Assembly to-morrow by a New York city pastor, Dr. John L. Davies of the Fourth avenue church. Dr. Davies is a new man in the Assembly. He came from Tyrone, Pa., three years ago to fill the pulpit of Dr. Howard Crosby, and he was counted as one of the conservative party in the New York Presbytery. He owes his election as a Commissioner to his conservative associates in the Assembly, and none were more astonished at this news than the New Yorkers. Efforts are being made to dissuade Dr. Davies from this purpose. The New York delegation met together to labor with him.

The friends of Drs. Monfort and Breed were also together to-night in a secret conference, trying to compound their differences. In the judgment of the old campaigners here one of these two men must withdraw to accomplish the defeat of Dr. Withrow, but each says that he is in the race to stay.

MRS. CLEGG INJURED.

Thrown from a Carriage Against a Tree—Three of Her Ribs Broken.

PATERSON, May 20.—Mrs. Ferdinand J. Clegg of 125 Paulison avenue, Passaic, was thrown from her carriage yesterday afternoon. She was driving a spirited horse, and had stopped in front of the house of Mrs. Thomas Taylor, her sister-in-law, for whom she was waiting in order to take her driving. The horse became restless from standing still, and in some manner the whiffletree broke and struck it a sharp blow.

He dashed across the street at a sharp angle and Mrs. Clegg was thrown from the carriage against a tree in front of the residence of Milton H. Burns. She was carried unconscious into Mr. Burns's house. Dr. Vanriper found that three ribs had been broken. Mr. Clegg is at present travelling in the south.

Harnessing Lachine Rapids.

MONTREAL, May 20.—The Lachine Rapids of the St. Lawrence are at last to be utilized. The water power is to be transformed into electricity for lighting the city, operating its street railroads, and so on.

MRS. COHN WANTS A DIVORCE.

The Evidence She Produces Arouses Justice Smyth's Suspicion.

Justice Smyth presided yesterday in Special Term, Part III., of the Supreme Court, and heard a number of divorce suits. Mrs. Agnes Canning, by her counsel, asked Justice Smyth to annul her marriage with Richard Canning, on the ground that at the time of their marriage her husband had concealed his true character from her. It was alleged that Canning's right name was Cohen, and that he is known to the police as a forger. Mrs. Canning testified that she was married on March 16, 1888, and lived with Canning until 1890. He said he was a bookkeeper.

John Farnsworth, clerk of Clinton prison, identified a photograph of the defendant as that of Dave Cohen, alias Canning. He said Cohen was convicted of forgery in 1882 and received a ten years' sentence. This witness said Cohen had one glass eye, and was regarded as a dangerous criminal.

Justice Smyth granted Mrs. Canning a decree annulling her marriage.

The last case tried by Justice Smyth was an action brought by Mrs. Annie Cohn for an absolute divorce from her husband, Morris Cohn. The couple were married at 1,030 Third avenue on Jan. 2, 1890. Mrs. Cohn's maiden name was Waldau. She said she belonged to a notable German family, and asked for permission to resume her maiden name. At the time of his marriage the defendant was a dry goods merchant. He is now in the crayon portrait business. Cohn was not present, and the suit was not defended.

Mrs. Cohn charged in her complaint that her husband was guilty of improper conduct in 1894 with Minnie Miller, an actress, at the Hotel Saratoga, Havana. She testified that she was married to the defendant by two rabbis, but had lost her marriage certificate.

Henry Rosenthal of 92 East Tenth street, a cousin of the defendant, testified that he was secretary to the German Consul in Havana. He said that the defendant lived at the Hotel Saratoga with Minnie Miller as man and wife.

"What are you doing now?" asked Justice Smyth.

"Bartending at Clarendon Hall."

"Why did you leave Cuba?"

"Well, I couldn't speak Spanish very well, and one night I got into a row with some Spaniards. The next night I was followed and stabbed in the breast, and I thought it was better to leave Cuba so as to save my life."

"You knew Cohn was married?"

"Yes; I was at his wedding."

"And you saw nothing wrong in visiting him while he was living with another woman, did you?" asked Justice Smyth.

"Well, I did; but Cohn said he didn't care anything about his wife."

Mrs. Frances Newman, who said she was an actress, and playing in the same company with the Miller woman, testified to having visited her at the Saratoga Hotel when she was living with Cohn.

Justice Smyth said he would look carefully into the case before deciding it, as he regarded the evidence of Mrs. Newman and Rosenthal with grave suspicion.

SHE WOULD BOUNCE HER HUSBAND.

The Smiths at Loggerheads Over Their Dairy Restaurant Business.

A motion of Agnes H. Smith for the appointment of a receiver for the Columbia restaurant, 48 East Fourteenth street, which is in her name, but is conducted by her husband, George D. Smith, was denied by Justice Pryor of the Supreme Court yesterday. In denying the motion the Judge said:

"I have a horror of receivers."

The Smiths have been in various litigations, but counsel said yesterday that they live together, and have no domestic troubles. Smith failed in business, and owes about one hundred thousand dollars, counsel said. He took a lease of the Fourteenth street property in his own name in 1890, the rent being $10,500 a year, but in 1893 he assigned the lease, the business, and some property at Fort Tryon, N. Y., said to be worth $200,000, in which he had an equity of $100,000, to his wife for a consideration of $1. He also agreed to pay his wife an indebtedness of $55,000 with interest at five per cent., and it was agreed that he should conduct the business and lay aside part of the profits to pay her.

In moving for a receiver through Lawyer John Delahunty, Mrs. Smith asserted that her husband owes about $68,000 for rent, and owes for supplies, and that he is trying to force her out of the business, which he wants to transfer to 44 East Fourteenth street, where he has taken a lease in the name of his brother, Edward T. Smith. A chattel mortgage on the fixtures and business was given to the landlord at 48 East Fourteenth street, and the Fort Tryon property is also mortgaged. Proceedings have been taken to foreclose these mortgages and to dispossess Mrs. Smith. Creditors of Smith have also proceeded against him.

Lawyer John D. Quincy, for Smith, accused Mrs. Smith and Lawyer Delahunty of conspiring against Smith. He said that Delahunty was formerly the attorney for Smith. Justice Pryor said that the parties ought to come to some arrangement. Lawyer Quincy said:

"She is unwilling to do anything but put her husband in the street."

"Why doesn't she pension him?" asked the Judge.

Mr. Delahunty said she would be very willing to do so, but he could not be got rid of in that way. Smith declared that he has been paying off the claims against the place, and has been doing a profitable business. He had deposited $6,700 toward paying off the $55,000 due his wife. He said his brother had taken the lease of 44 to carry on another business.

ONLY ELEVEN FLEMING JURORS.

And One Begs to Get Off; A Volunteer Wet Nurse Admonished.

Counsel in the trial of Mary Alice Almont Livingston Fleming, before Recorder Goff in the General Sessions, for the poisoning of her mother, Evelina M. Bliss, fenced all day yesterday over the selection of a twelfth juror. The sixth panel of 100 talesmen was exhausted without finding one suitable. The counsel have been sparing of their challenges and the defence has ten left, while the prosecution has a dozen to spare.

Mrs. Fleming appeared chipper when she entered the court room yesterday morning. She complained later of an earache, and protected her left ear with her veil. Before the examination of talesmen began Recorder Goff thanked Edwin B. Holden, the fifth juror, for his prompt action in turning over a letter which he received from a Mrs. Van Densen of Chatham, N. Y., who said she would be glad to nurse Mrs. Fleming's baby during the trial. The letter was turned over to Clerk Penny, with instructions to send it back to the woman with an admonition not to send any more communications to jurymen.

Among the talesmen examined yesterday was John B. Jones, a cashier, who said he was related by marriage to James Duane Livingston, an uncle of the defendant. He was excused. Nelson S. Clark, another talesman, was a friend of H. H. Bliss, Mrs. Fleming's stepfather, and seemed surprised when he offered this as an excuse and was not allowed to go. He was disqualified by the examination, however.

Charles C. Haight, the sixth juror, is an architect and very busy these days, so he is doing his best to get excused. He appealed to the Recorder yesterday to be allowed to go. He said his mind was so full of business cares that he could not devote a proper attention to the case. Besides, there were several thousand workingmen in enforced idleness because of his detention. He may be excused to-day. The panel of talesmen was exhausted at 5 o'clock last evening and court was adjourned until to-day, when the search for the twelfth juror will begin with a fresh panel.

ANDOVER, MASS., 250 YEARS OLD.

A Day of Rejoicing and Celebration in the Famous Old Town.

ANDOVER, Mass., May 20.—To-day Andover observed the 250th anniversary of her settlement. All business was suspended and the streets were gay with decorations. The exercises began at sunrise with a national salute, accompanied by the ringing of all the town bells. At 9 A. M. a military and civic procession was formed, the trades being largely represented in that division.

The procession marched through the principal streets, and the school children, in charge of their teachers, sang patriotic songs as the procession passed the Old South Church, and then joined in the line.

The literary exercises were held in the Old South Church. The presiding officer was Dr. C. F. P. Bancroft, principal of Phillips Academy, and the oration was Albert Post of Boston. "America" was written in this town by the late Dr. S. F. Smith, and the author of the Pilgrim hymn, "O God, Beneath Thy Guiding Hand," Dr. Bacon, was a student in the Theological Seminary.

The official guests comprised Acting Governor Wolcott and staff. Athletic sports and a baseball game for boys will close the afternoon exercises.

Electrical Engineers Elect Officers.

The American Institute of Electrical Engineers elected the following officers yesterday: President, Dr. Louis Duncan of Baltimore; Vice-Presidents, C. P. Steinmetz, Schenectady; Prof. Harris J. Ryan, Ithaca, and Prof. W. M. Stine of Chicago; Managers, L. B. Stillwell, Pittsburgh; John W. Lieb, Jr., New York city; F. A. Pickernell, New York city, and Prof. William L. Puffer, Boston; Treasurers, George A. Hamilton and Ralph W. Pope of New York city.

TOPICS FROM STAGELAND.

THE LATEST AND PROBABLY THE LAST LIVING PICTURES.

Women Now Exposed at the Music Halls Excite No Interest—A Production of "Faust" with Electrical Fires in Its Hades—Various Notes of the Stage.

There is good ground for hope that we are at the end of the indecency of "living pictures." The pity is that the law could not, or did not, stop them at the outset, as it has done with the undressing pantomimes. But in a guise of art the shows of naked women escaped suppression, and have been permitted to run their vicious course. Proof is given at two big music halls this week, however, that such displays are no longer wanted by even a small portion of the public. Women utterly undraped are posed on carved pedestals at Olympia in imitation of marble statuary. Their bodies and limbs are covered by a dead white texture, this covering being so thin that its presence is not palpable. Lest an entire absence of a flesh hue should render the exhibit lifeless in appearance, the faces of the figures are tinted like skin. In order that the spectator may not forget that he is seeing a real woman. This series of statues is shown without eliciting the slightest token of interest. Not so much as the clap of a single hand is heard in applause ordinarily. A young woman named Suzanne Duvernois is exposed at Koster & Bial's in a semblance of utter nudity. She is a shapely but rather heavy creature, and her shameful audacity has hardly been equalled in any previous living picture offences. But here, as at the rival music hall, the exhibition usually passes in a silence which it would be pleasant to ascribe to contempt, but which, no doubt, is more largely attributable to disregard. The entertainments at Olympia and Koster & Bial's are the best ever known here in vaudeville, and the audiences are composed in a large part of respectable and fashionable people. The latest, and let us pray the last, of the exploits in feminine nakedness repel instead of attracting the public.

There's a new *Mephisto* in town in the person of Joseph Callahan at the Standard. The version of "Faust" that he uses is one that gives a good chance for elaborate pictorial treatment, and this opportunity is so well cared for that the performance becomes strong in its spectacular interest. One of the title lines in the play bill prepares the visitor's mind for electric effects, and they are utilized in the first scene, which is between *Faust* and his tempter. First *Marguerite* is shown sitting at her distaff, a portion of the drop curtain sliding back to disclose her. When finally it comes time for *Faust* to sign the bond that delivers his soul to the Evil One, his pen is dipped in his own blood, and is to write in letters of flame. As the stage is dark, the unusual nature of the writing fluid is not noticeable, but as the pen touches the paper it gives out showers of vari-colored sparks, snapping spitefully the while, and the eyes of the skull that lay on the old philosopher's table glow with a ghastly light. There is not enough to this first display to make a thriller of it, but it suggests that an uneasy feeling is present, and keeps an audience watching closely for the next sulphurous outbreak. This comes when *Mephisto* bids the revellers drink with him, promising to each man the beverage he desires, though all are to come from the same vessel, which is the skeleton head he raises by his as a sign. When the men rush to the pigeot with their glasses in their hands a burst of flame and smoke comes from the cask as evidence of devilry a-working. There is more of it when at *Mephisto's* gesture the flowers and vines about the cottage of *Marguerite* are suddenly illuminated by incandescent lamps, and in the duel between *Faust* and *Valentine* showers of red, blue, and green sparks follow the clashing of their swords. At the latter incident the stage is nearly dark, and *Mephisto* stands just out of the two combatants, so that when the sparks light up the three faces, *Mephisto's* red features stand out from the surrounding darkness to such a degree that there's no need of turning to the play bill to see that it is still the time for wickedness to be in the ascendant. The climax of the spectacular display is reserved for the Brocken scene. Here *Mephisto* and *Faust* are at the rear of the stage and ten feet above it. Before them is what looks in the dim light like a space covered with monstrous spiders, serpents, and other uncanny creatures, among which the forms of the witches are seen to glide about, uttering cries of torture. One of these unfortunates passes across the stage in the grasp of a huge serpent, whose eyes glow with electric fire, and as *Faust* asks for *Marguerite* a section of the height on which he stands moves aside to show her as she writhes in torments. Just before the curtain falls on this scene a row of candles placed just over the stage opening is lighted, and as the curtain drops the whole stage is seen enveloped in showers of living sparks. This scene is so showy and is brought to such a fiery climax that at its end there are few that wait to see more. So the apotheosis, a handsome if somewhat conventional picture, is shown after a majority of the observers have risen.

Mr. Callahan's impersonation of the arch fiend is not marred by subtlety. The actor is tall, slender, and has a face that would well serve a pantomimist, so great is the variety of its expressions. He has, too, a mocking laugh that goes well with the moans of the lost. Most of his emphasis and gesture verges on the superlative. In Beatrice Ingram and Edward Elsner, as *Marguerite* and *Faust* respectively, he has capable assistants, and a double male quartet provides music that helps to relieve the play's sombreness.

Joseph Brooks has returned to town from "The Rivals" all-star company, reporting that the ten illustrious members are exceedingly prosperous, reasonably happy, and sure to close here a week from Saturday in good order. Charles Frohman got to London in time to see his production there of "The Gay Parisians," under the title of "A Night Out," make a positive success. T. Henry French will devote his attention to the American, and his successor in the management of the Broadway is Andrew A. McCormick, who has for years been in immediate charge of that theatre. Oscar Hammerstein says he desires to sell his two theatres in Harlem in order to devote all his time to Olympia. Rudolph Aronson has gone to London to see "The Gerisha," the Japanese piece which is to be brought to the Bijou. Abbey & Grau are recruiting members for their light opera company at Abbey's next season. E. M. Gulick & Co., who have low-priced theatres in several cities, have leased the Star for an important link in their circuit. George W. Lederer has received a souvenir piece of jewelry from "The Lady Slavey" actors. Gilmore & Tompkins will build a large hall for concerts, fairs, and other amusement purposes on the site of Durland's Riding Academy at Fifty-ninth street and Eighth avenue. Work on Frank Murtha's Murray Hill Theatre is under way. Charles Wahn has leased Theis's Garden, in East Fourteenth street, and will convert it into a vaudeville house, to be known as Wahn's Music Hall. Manhattan Beach will have "Evangeline" in its theatre this summer. John W. Hamilton is to manage the roof gardens of the Casino and Madison Square, and George Wotherspoon the Madison Square Garden. Oscar Hammerstein says several comic opera schemes are being urged upon him for the theatre in Olympia next autumn, but he has made no selection. It is settled that Jefferson D'Angelis will produce "The Caliph," by Smith and Englander, at the Broadway in September. Lillian Russell is to have a piece by McLellan and Kerker, "In Mizzoura," the best of Augustus Thomas's plays save one, is to be sent out with a company next winter. "A Parlor Match" is to be revived, with Evans and Hoey together in it again, and a lot of vaudeville. Ellen Terry has bought Russ Whytal's short play, "Agatha Dene."

SIEVEKING COMING BACK.

The Pianist's Disappearance Last Winter May Then Be Explained.

The Dutch pianist, Martinus Sieveking, whose mysterious disappearance from this country in December was never explained, evidently fell into no harm, as it is now announced that he has been engaged for an American tour, and will return here in November. Sieveking has visited the United States several times, and last winter met with particular success in the concerts he gave with the Boston Symphony Orchestra. He had signed contracts for the rest of the season, but one day disappeared suddenly from his apartments, at 136 Fifth avenue, along with his setter dog. Nothing was ever heard of him after that.

Some of his friends believed that he had sailed for England on the Paris on Christmas Day, although he dined with a number of intimate friends on the preceding evening and said nothing about his departure. The first published information about him since that time is that he will come back next year, and maybe then he will tell why he went away so suddenly. Sieveking, who is 28 years old and unmarried, is a nephew of Sir Henry Sieveking, one of Queen Victoria's physicians, and his connections in Holland and England are good.

Bicyclist's Leg Broken in a Collision.

James Ballard