PARK BOARD SLAMS AHEAD

PROTESTS AGAINST BOTANICAL GARDEN PLANS UNHEEDED.

Commissioners Ignore the Advice of Their Own Experts and That of the Fine Arts Federation and Adopt the Society's Plans—Only Commissioner Stiles in the Negative.

The Park Board completed yesterday its surrender to the managers of the New York Botanical Society by adopting without further modification or alteration their plans for the botanical gardens in Bronx Park. By this action the board ignored almost entirely the advice of its own committee of experts, who in their report advised the Commissioners to decline to approve the plans. It is true that the Commissioners did compel the Botanical Society to alter the plans in a few minor details, as suggested by the experts, but the modifications were so slight that the general scheme of laying out the gardens is preserved almost intact. In adopting the plans the Park Commissioners also ignored the protest of the Council of the Fine Arts Federation. The Commissioners refused even to listen to the reading of the resolution adopted by the Federation's Council protesting against the approval of the plans, and the document was "filed" without a hearing. The resolution was as follows:

"*Whereas*, The artists of New York look forward with great interest to the establishment of the contemplated botanical gardens; and

"*Whereas*, They believe that, as these gardens are to be placed in one of the public parks, they are justified in demanding that they shall be so arranged and disposed that they shall add to, and not detract from, the artistic effect of the surrounding landscape; and

"*Whereas*, The Department of Public Parks has retained experts, whose standing and ability are recognized not only by the members of their respective professions, but by the public at large, to examine and report upon the artistic excellence of the general scheme prepared for the construction of the proposed botanical gardens in Bronx Park; and

"*Whereas*, These experts have unanimously condemned the proposed scheme and have recommended changes and alterations; and

"*Whereas*, It is conceded that those in control of important municipal projects should cooperate with and act upon the advice of skilled experts in order that the work proposed may reach a successful issue; therefore be it

"*Resolved*, That the Council of the Fine Arts Federation deeply regret and strongly deprecate the action of the Park Board in rejecting the recommendations of its commission of experts to whom it had referred the plan formulated by the Board of Management of the Botanical Gardens; and that they respectfully urge the said Park Board to reconsider its resolution approving of the general scheme referred to, and to give to the report of its experts the consideration to which it is entitled."

The only member of the Park Board who protested against its surrender to the Botanical Garden Managers was Commissioner Stiles. He said they had not been selected in a proper manner nor had there been a proper competition, and when the ayes and noes were called for on the resolution adopting the plans, specifications and form of contract as presented by the Board of Managers for the museum, power house, stables, closet group and greenhouses Mr. Stiles withheld his vote. A resolution was also adopted without his assent appointing R. W. Gibson and the Lord & Burnham Company architects of the buildings, their compensation to be five per cent. of the cost. Mr. Stiles also refused to vote on the resolution, which was adopted, requesting the Board of Estimate to authorize the Comptroller to issue bonds to the amount of $500,000 for the erection of the buildings. All three resolutions were adopted without discussion and without loss of time, and the speed with which they were passed by the board led the outsiders to believe that the whole matter was cut and dried. The resolutions were prepared in advance, each being typewritten, and they were all introduced by President McMillan. Commissioners Ely and Cruger, who helped him to pass them, said never a word in explanation of their votes.

The Advisory Committee of the National Sculpture Society made a report recommending that the application of Gen. John Watts de Peyster for permission to erect another statue of his ancestor in Bowling Green in place of the one now in position, be granted. The committee also recommended that the statue be placed in the long axis of the ellipse of the Green and directly in the middle of the pathway south of the fountain, the pathway to be widened as much as necessary for the purpose.

"I don't see why the new De Peyster shouldn't be set up where the old statue of De Peyster is now," said Commissioner Stiles. "It's very badly placed, I'll admit; but we haven't any money to move it, and I haven't heard the De Peysters making any remarks about paying for the new foundation, which will cost a good deal of money."

The cost of the statue was referred to the Municipal Art Commission, and Superintendent Parsons was instructed to submit an estimate of the cost of a new foundation at the next meeting. G. Turini, the sculptor, reported that the bronze cast of the Simon Bolivar statue, to replace the one now in Central Park, was ready for inspection in his studio at Garrison, Staten Island. Secretary Leary was directed to notify the National Sculpture Society. Mr. Turini received the commission for the erection of Bolivar's statue from the Government of Venezuela.

Engineer Parsons asked the board to consent to the building of the extension of the rapid transit tunnel under Broadway south of the Federal building. This extension includes the loop which is to run partly under Broadway and partly under one corner of Bowling Green. Mr. Parsons presented a rough plan showing the lines of the new route.

"We can't consider this application until you file exact maps of what you want with this department," said President McMillan. "We can't give you a roving commission to build your tunnel wherever you please."

"Also indicate on your map every tree that is to be touched and every foot of sod that you propose to disturb," said Commissioner Stiles.

Mr. Parsons looked bewildered, but he promised to have the map made as requested. He also promised that for every tree removed another would be planted in the park.

The Mayor's Advisory Committee on Small Parks requested the Commissioners to set aside a space in the East River Park for a play ground.

"What kind of a play ground?" asked Commissioner Stiles. "There are play grounds for big children and play grounds for little children."

"Both kinds are a blessing," said President McMillan, and the matter was referred to Superintendent Parsons with instructions to submit a plan for the play ground embracing sand pits.

Menagerie Director Smith made another report on the herd of buffaloes which were presented to the city by the late Austin Corbin, and which are rapidly eating up all the grass in Van Cortlandt Park. He recommended that the herd be reduced and that the buffaloes be fed on hay in the future. The report was referred. Superintendent Parsons submitted a plan for the widening of 110th street from Fifth avenue to Seventh avenue. After a long discussion as to the propriety of making the corners on the north side of the thoroughfare at Seventh avenue round instead of square, the matter was laid over to await the action of the Board of Street Opening. Mr. Parsons also submitted a plan for the improvement of the Poe Park in the Twenty-fourth ward, for which the Legislature has appropriated $10,000. The board ordered that the improvements be made and authorized Mr. Parsons to employ any one he chose to aid him in the work.

The North Side Local Improvement Association sent a petition asking that the two small triangular parks at 163d street, Washington and Brooks avenues be put in proper order. Secretary Leary was directed to notify the petitioners that their request will receive attention when the budget for next year is made up. The trustees of Columbia University sent a communication thanking the commissioners for erecting a stairway from the university boathouse on the Hudson River to the Riverside Park. Thomas E. Crimmins requested that additional policemen be stationed along Park avenue for the protection of the small parks in the middle of that thoroughfare from Fifty-sixth street to Ninety-second. Mr. Crimmins's request was referred.

Murderer Mayhew's Brother Arrested for Burglary.

MANHASSET, L. I., July 19.—David Mayhew, alias Washington, a negro, is under arrest here on suspicion of being concerned in robbing the residence of John Wooley at New Hyde Park. Mr. Wooley and his hired man both identified Mayhew as one of the burglars. A number of burglaries have been committed recently in New Hyde Park, Mineola, Garden City and Queens and the authorities believe that the prisoner had a hand in them. When arrested Mayhew was armed with a 42-calibre revolver and a dirk. He had several pawn tickets for watches and jewelry pledged at a pawnshop at 10 Sixth avenue, New York. The prisoner is a brother of Arthur Mayhew, who was put to death at Sing Sing about two months ago for the murder of Stephen Powell at Hempstead.

Was Braselton Drowned?

KNOXVILLE, Tenn., July 19.—Considerable mystery surrounds the supposed drowning of W. L. Braselton in the Tennessee River, a mile and a half below here, on Friday night. Riversmen have given up the search, asserting that the man was not drowned. Braselton's only companion has also gone, and the clothes that the missing man was supposed to have taken off to go in bathing have not been found. He was insured in the Fidelity and Casualty Company of New York for $5,000.

BENHAM MURDER TRIAL.

Important Point for the Defence—Attempt to Bribe a Man on the Panel of Jurors.

ROCHESTER, July 19.—The sensation mongers are not interested in the testimony offered by the experts, and the attendance to-day at the Benham murder trial was light. The women who have been so much in evidence each day at the trial are contenting themselves with parading up and down the streets in front of the Batavia Court House, waiting for the lawyers to get through with the doctors, so as to give them some additional food for comment. Prof. R. A. Witthaus, the celebrated New York chemist, arrived at Batavia last evening and spent several hours in consultation with the attorneys for the defence. His examination will probably last two or three days, as it is chiefly on his evidence, it is understood, that the defence relies to prove that the appearances noticed in the dead woman's body are not those which would likely have been found in case her death had resulted from prussic acid poisoning. Benham this morning was again nervous, and the worried look on his face is increasing. The jury have stood their four weeks of confinement well. Yesterday a two-mile walk around the village was given them, and this morning they appeared in the best of health and spirits. Dr. Stephen Y. Howell of Buffalo was put on the stand at the opening of court. He said he was a graduate of the College of Physicians and Surgeons of New York and of the Royal College of Physicians and Surgeons of London. He did not think that the symptoms noticed in Mrs. Benham were due to prussic acid poisoning.

"To what, then, would you attribute it?" asked Mr. Mackey.

"Well, it is difficult to say, owing to the wretchedly incompetent way in which the autopsy in the case was performed."

Dr. Howell said that although he had conducted many autopsies, and had witnessed many more while he was abroad, he had never seen a case of hydrocyanic poisoning, his information being entirely derived from the books. He was asked by Mr. Mackey how he would account for the degenerate state of the dead woman's heart.

"I should attribute the state of the heart found in this case to some other reason than prussic acid, probably from the progression of the disease of the pelvic organs originating at the time of the birth of the child," he replied.

This is an important point for the defence, as it is claimed by the People that prussic acid was responsible for the condition of Mrs. Benham's heart as revealed by the post-mortem.

This morning Sheriff Heal arrested Wallace S. Martin, a well-to-do Alabama farmer, on a warrant sworn out by District Attorney Lesour charging embracery. Proceedings were commenced after adjournment of the Benham trial at noon before Judge Dunham in Justices' Court. The offence with which Martin is charged is a crime of a most serious nature. He is accused of attempting to bribe one John Weidrich, a Pembroke farmer, whom he supposed would qualify as a juror in the Benham case. Weidrich and Martin were both drawn as jurors on separate panels, Martin being on the first. It is alleged by the people that he urged Weidrich to answer all questions so as to qualify himself as a juror in the case, and that he (Martin) would work Weidrich's farm while he was on the jury, and that probably the attorney for the defence would give him $1,000 if he would hold out for a disagreement. Weidrich did not qualify as a juror. Martin, when he was arraigned, pleaded not guilty, and demanded an immediate examination. District Attorney Lesour asked for an adjournment, owing to the fact that his duties at the Court House would not permit him to attend to the case. The case was set down for Aug. 3. Martin's brother married a cousin of Benham.

STABBED AFTER CARD PLAY.

The Man Who Won All the Money Thought to Be Dying of His Wounds.

At daylight a doctor yesterday informed the police of the Bedford avenue station, Williamsburg, that John Rocco, an Italian, was dying at his home, 109 Frost street, of nine stab wounds, which he received in an altercation late on Sunday night at North Ninth and Havemeyer streets.

Rocco, with half a dozen other Italians, played cards on Sunday night in a house at 266 North Ninth street. Rocco had extraordinary luck, and when he ceased playing, a little before midnight, he had nearly $28. When he left the house he was followed by Joseph Laury. At North Ninth and Havemeyer streets Laury got into a dispute with Rocco and told Rocco he was a cheat. While the two were in a wrangle the other Italians appeared. Laury whipped out a stiletto and, before Rocco could defend himself, began to jab the point of the weapon into Rocco's chest. Other Italians drew knives and daggers and helped in the assault on Rocco. Two friends of Rocco, who tried to protect him, were stabbed in the arm. When Rocco fell his assailants ran away. Rocco's two friends carried him to his home.

While Rocco's wife was washing the blood from him one of the assailants returned and warned her against complaining of them to the police. Rocco became unconscious a few hours later and a doctor was summoned. On his arrival he found that the Italian was in a precarious condition and notified the police.

Detectives were unable to obtain any information from either Mrs. Rocco or any of her friends. All professed ignorance to know anything about the attack. Information furnished by a small Italian boy led to the arrest of Frank Laury and Lorenzo Grillo in Long Island City. Gilli Bernardo and Alexander Filleppi were arrested in Williamsburg. Joseph Laury was found under a bed in his house at 28 Ten Eyck street. The five prisoners were taken to Rocco's house. He identified them all as his assailants. They were then taken to the Lee Avenue Police Court and remanded for a hearing. Rocco's condition became so bad yesterday afternoon that Coroner Nason was directed to take his ante-mortem statement.

LURED HER TO HIS ROOM.

Fay Smith Arrested for Trying to Rob an Alleged Actress.

Lillian Elliott, who said she was an actress and lived at 310 West Forty-eighth street, met Fay Smith, a bookkeeper, in Eighth avenue Sunday night. They drove up to Fort George, and it was 2 o'clock yesterday morning when they got back. Smith said his wife was in the country and invited his companion to go to his flat at 401 West Fiftieth street and have something to eat.

When they entered the rooms were dark and Smith made no effort to light the gas. Miss Elliott says she became suspicious and started to go out. He locked the door, she says, and seized her. She believed he intended to rob her and screamed. He struck her, and she fell down, her head striking a corner of the table, which made a gash in her scalp. After a time she got to her feet, and, running to the door of the private hall, dashed her hand through the glass and shrieked for help. The tenants were aroused, windows flew up, and from protruding heads came cries of "Police!" "Murder!"

Policeman Esterbook entered the house and arrested Smith, and an ambulance surgeon sewed up the wound on Miss Elliott's head. The prisoner was held in $500 bail for trial for assault in the Yorkville Police Court later.

Smith, who is bookkeeper for William Brooks & Brother, gravel dealers at 615 West Forty-ninth street, is under indictment for alleged manslaughter in connection with the death two years ago of Frank McDonald. It was charged that he struck McDonald on the head with a balestick, thus causing his death. He has not been tried.

On May 13 James McDonald, a young brother of the dead man, called Smith out of his office and fired four shots at him from a revolver. None of the shots took effect. The young man said that, as the law would not punish Smith for killing his brother, he thought he was justified in doing the punishing himself. Young McDonald's trial has not yet taken place.

SERVANT SWINDLER SENTENCED.

Jailed for a Year and Must Pay $150 Fine—Other Sentences.

Heavy sentences were imposed in Special Sessions Court yesterday by Presiding Justice Holbrook. Alfred Levan, 23 years old, address refused, was charged by Detective Perkins of the West Twentieth street station with swindling servant girls out of $1 each by promising situations in the Somerset Hotel, at Somerville, N. J. There is no such hotel. Levan was sentenced to pay a fine of $150 and to serve one year in the penitentiary.

Giuseppe Petrocelli of 107 Mulberry street was charged with practising medicine without a license. He testified that he worked among the poor and that his usual fee was but 15 cents. He was fined $50.

Thomas Fitzgibbons and Frank Clark, both ex-convicts, were charged with stealing 200 empty sacks from a Columbus avenue grocer. They lied about their previous records, and Justice Holbrook, learning this, sentenced Fitzgibbons to pay a fine of $250 and to serve one year in the penitentiary, while Clark was fined $400 and sentenced to eleven months in the penitentiary.

White Wings in Newark.

Four bagmen of the Newark Street Cleaning Department delighted an expectant populace yesterday by appearing for the first time in white duck suits after the fashion of Col. Waring's white wings. The suits will have a thorough trial and if they prove successful the whole Newark department will be uniformed in them.

WHO SWINDLED DR. LOTT?

PERHAPS MRS. MARY HANSEN AND NOT ELLEN PECK.

Mrs. Hansen Operated as Did Mrs. Peck, and the Police Records Show a Long List of Charges Against Her—Why She Is Suspected—Both She and Mrs. Peck Are Wanted.

The Brooklyn authorities were not so sure yesterday as they were on Sunday that Mrs. Mary Hansen, who swindled the late Dr. Christopher Lott out of $10,000, was Mrs. Ellen Peck, the notorious confidence woman. It seems now as if Mrs. Peck, who at last reports was living a quiet, honest life, has been maligned for something she had no hand in. Years ago, when Mrs. Peck's plausible tongue was bringing her in thousands of dollars, there was another woman who was playing the same game more quietly, but with almost as remunerative results. Curiously enough, the name by which she was known to the police of the country was Mary A. Hansen. She is to-day, if she is alive, of about the same age as Ellen Peck, and if she is the woman who so cleverly buncoed Dr. Lott out of his thousands and Nurse Shea out of her hundreds, it is not at all surprising that the police of Brooklyn jumped to the conclusion that she was Ellen Peck.

Mrs. Hansen never attained to the notoriety that fell to Mrs. Peck's lot, and she had been forgotten long ago by the police. The case of Dr. Lott bore all the marks of Ellen Peck's handiwork. The authorities still think that Mrs. Peck may be the woman who conducted this recent swindle, but they are willing to admit that there is still a very big doubt about it.

Mrs. Hansen's record includes one or two cases which were worked in precisely the way characteristic of Lott's case. One that was almost exactly the same was the swindling of Frederick Bohmet of 192 Allen street, this city, out of $2,300 in July, 1886. Bohmet knew a man named Klink. He had known him slightly for about twenty years. Klink posed as a shoemaker, but he was in reality a notorious scoundrel named Hansen and the husband of the confidence woman. One day Klink rushed up to Bohmet in great excitement and told him that he had just married a widow named Hansen, who lived on Jersey City Heights. His wife's uncle had died, and an estate of $750,000 had been left to her. The money was on deposit in the United States Treasury, he said. It had been in litigation for a time, but owing to a recent decision of the Supreme Court would be turned over soon to his wife. While Bohmet was congratulating his friend and they were talking things over, Mrs. Klink, or Hansen, rushed in. She waved a telegram in her husband's face, and declared that unless they got some money right away the fortune they had fought for and won would slip away from them. The money was needed to get the Supreme Court seal on the papers in the case, and of course Bohmet was appealed to. He lent Mrs. Hansen $2,316 on her written agreement to return it on July 15, 1886, when she was to get her money from the Treasury. She also agreed to make Bohmet a present of a four-story tenement house. Of course, Bohmet never got anything out of the couple. He finally realized that he had been swindled, and complained to the police.

At that time the police had other complaints against Mrs. Hansen which they were investigating. Mrs. Mary Mesam of 1 First avenue had been swindled out of $2,500 by the woman. Her sister had lost $1,000, and others had been talked out of sums ranging from $100 to $5,000 each by Mrs. Hansen. Through Bohmet the police got trace of the woman, and eventually they arrested her in Jersey City. She was released on a writ of habeas corpus, but was arrested as she left the courtroom on complaint of Richard C. Berry of 370 Bleecker street. He contended that she had secured $300 from him on the strength of a story that the Sheriff of Philadelphia was holding $11,000 of her money.

The police records show more than 100 cases in which it was contended that Mrs. Hansen had swindled both men and women. The story, they would be apt to represent about a third of her operations. One of her most daring swindles was the securing of $10,000 from Jersey City politicians on the ground that $500,000 of her money was in the hands of Cardinal McCloskey, and she was unable to get it. She was arrested at the time, but she escaped punishment by settling with those who wanted to prosecute her.

In 1879 the woman got $12,000 worth of woollen goods from merchants in this city on the strength of a story about a lump fortune. Almost invariably the woman was arrested when the stories of her swindling got out, but she always escaped on a technicality.

The Jersey City police record describes Mrs. Hansen as she was in 1876. She was then 48 years old, 5 feet 6 inches tall; German, but able to speak good English.

The woman who swindled Dr. Lott was between 65 and 70 years old, and about the height of Mrs. Hansen in 1876. From the fact that Mrs. Hansen invariably employed the tied-up fortune ruse, it is thought that she may be the one who victimized Dr. Lott. In an interview in THE SUN yesterday, the Mrs. Hansen who got Dr. Lott's money posed as the wife of "Admiral Johann Carll Hansen" of the Danish navy, and pretended to have $60,000,000 on deposit in the United States Treasury vaults at Washington.

What has become of the woman who so fleeced Lott happened to be deceived by the woman when, at any time during the six months over which her operations extended, he could have discovered the entire falseness of her statements about her millions by making a single inquiry. His friends explain this by saying that the physician was an easy-going, benevolent man, who had a vast amount of confidence in those he liked, and never had a suspicion of Mrs. Hansen until a few days before he was stricken down with his last illness. The police explanation includes many tales of Ellen Peck's cleverness, which has fooled cleverer men than Dr. Lott for years.

The Rev. Gifford Nelson, Mrs. Lott's pastor, who made public the story, is criticised severely by the Brooklyn authorities, who say he has destroyed all chance of capturing the swindler by the publicity he gave the case. Dr. Nelson thinks he did the right thing and that the publicity given the case will do more to bring Mrs. Hansen or Mrs. Peck to justice than all the quiet police investigation in the world. He denies that the woman will get any fresh warning from the publication of the case. She got all the warning she needed when Mr. and Mrs. Simpson, her alleged son-in-law and daughter, were arrested for aiding in the swindling of Dr. Lott.

One thing which Dr. Nelson desired to set right concerns his criticism of a certain Assistant District Attorney, whom he charged, without mentioning his name, of neglecting the case when it was given into his charge. It was stated yesterday that Mr. Miles was the man referred to. District Attorney Backus thought Mr. Miles was the man, and said so, but Dr. Nelson said not. He meant Assistant District Attorney Caldwell. Mr. Caldwell denied yesterday that he had neglected the case, and said it was absurd to contend that he had advised the Grand Jury not to indict Mrs. Hansen and Mr. and Mrs. Simpson. He had also asked Judge Aspinall, he said, to fix a high bail in the cases of Mr. and Mrs. Simpson when they were arraigned, but the Judge had declined to make it more than $500 each, because the prisoners were accused only of misdemeanor.

The police are now after both Mrs. Hansen and Ellen Peck. They will arrest either one or both as soon as they can get them. If the Mrs. Hansen who swindled Dr. Lott is not Ellen Peck, the police think Mrs. Peck will soon present herself hereabout and demand vindication.

A high Brooklyn police official said last night: "There has been, I am confident, a great mistake in confounding the Mary Hansen who has been indicted with Ellen Peck, the noted swindler and adventuress of twenty years ago. I am quite positive that they are not identical. Twelve years ago Mrs. Peck was an old and much broken-down woman, and since that time, I am told, has been living in close retirement and under an assumed name in a remote part of the State. I am not at liberty to tell you who Mrs. Hansen is, but you will make a serious error if you say she is Mrs. Peck."

Loser Can Sue Stakeholder and Collect.

A verdict of $100 which Joseph Liebman obtained against Frank Miller, as a stakeholder on a bet, was affirmed yesterday by the General Term of the City Court. Liebman put up the $100 on the election of Bryan for President against $300 advanced by one L. Fisher on McKinley. There was some misunderstanding about the matter, Liebman demanded his money back, and Miller refused to refund. The General Term holds that the money was wagered on a contingent event and that Liebman has a right to recover it back.

Medal of Honor to Dr. Blackwood.

WASHINGTON, July 19.—Dr. William R. D. Blackwood of Philadelphia has received a medal of honor for most distinguished gallantry at Petersburg April 2, 1863. Dr. Blackwood was surgeon of the Forty-eighth Pennsylvania Volunteers. The medal was conferred for "removing severely wounded officers and soldiers from the field while under a heavy fire of the enemy, exposing himself beyond the call of duty."

Bigamist Steele Goes to Sing Sing.

John C. Steele, alias Frank Stead, was sent to Sing Sing for four years and four months by Judge Hurd in the County Court in Brooklyn, yesterday, for bigamy. He was married to Josephine Stead in this city in 1893, and on June 5 last he married Regina Broschard. Both women testified against him.

REES SAYS HE IS OVERWORKED.

The Question of His Sanity to Be Reviewed Before Judge Barnard To-Day.

POUGHKEEPSIE, July 19.—Howell C. Rees of New York, whose dramatic escape from the Falkirk Sanitarium at Central Valley, Orange county, on Saturday night has aroused general interest in his case, said this morning:

"I feel that I am overworked, and I know that I need a rest, but I don't want to take it in an asylum."

Mr. Rees talks rationally and does not try to evade the question of his alleged insanity, but meets it squarely and treats it in the same fashion that he probably would any subject of personal interest to him. His counsel, James G. Meyer of Fishkill and William H. Wood of this city are impressed by his attitude, and evidently feel that an injustice has been done, which they mean to rectify by recourse to the courts.

"I really believe that Mr. Rees is sane," said Mr. Wood. "I think that he is suffering from overwork, the same as any business man might be, and that a rest, which he proposes to take, will restore him to good health."

The question of the mental condition of Mr. Rees will be reviewed before Judge Barnard in his chambers in this city to-morrow. It is not likely that much testimony will be taken, as the time is too short for the preparation of a case involving so many technical points, but some disposition will be made of the proposition to detain Mr. Rees in an insane asylum, which is opposed by his friends. Whether the court has the power, pending the final decision of the sanity or insanity of Mr. Rees, to change the place of detention specified by the authorities in New York, is a matter of serious doubt. A strong fight will be made to prevent the return of Mr. Rees to the sanitarium in Central Valley, from which he escaped, the argument being made that it would have a serious effect on his health to revive memories of his experience there.

Mr. Rees attributes his predicament to the opposition of his father and brother to his business methods, which, he says, they regard as too extravagant. He regards their attitude as very strange, because he has always consistently followed a rule of spending money to make money, and has met with uniform success. He claims that he took a dyeing and cleaning business established by his father, and raised it from an unsuccessful venture to a money maker, which is now clearing $20,000 a year. Through a lawyer named Goeller he claims that he became interested in the Phœnix Gas Works at Fishkill, and bought a controlling interest in it. He was made President and his father Vice-President of the corporation, and in the reorganization of its affairs he gave his father enough of the stock to deprive himself of a controlling interest. Thereafter he found himself hampered in the management of the company by the interference of his father, and he made a proposition to buy or sell for $8,000. It was to close this deal that brought him to New York and kept him there until the day of his arrest at the Manhattan Hotel.

TEN MEALS IN FIFTEEN MINUTES.

Wentworth Says a Meal Is a Meal Whether It Costs 5 Cents or $5.

Acting Inspector Allaire directed several of his detectives to look for Raines law violations on Sunday, as he was not fully satisfied with the work of the Captains under him. Two arrests were made by the detectives, who brought their prisoners to Centre Street Court yesterday. Detective Rein arraigned William Rubber, a waiter in a hotel at 10 Doyers street. Rein swore that he asked for a glass of beer but was told that a meal was necessary.

"I said," testified Detective Rein, "that I had eaten a dinner but fifteen minutes before, and that all I cared for was a glass of beer. He said he could not help that. So I ordered a beer and a sandwich. I paid for both and left the place. I returned in fifteen minutes and ordered a glass of beer. Again I was told that I would have to order a meal. I did so, and paid for both, and then arrested the waiter."

"On your own statement," said Magistrate Wentworth, "the prisoner is discharged."

"But," objected Inspector Allaire, "this arrest was made under section 31, which provides that meals must be bona fide, and not merely a subterfuge. This detective had two drinks and two meals within fifteen minutes."

"If he wanted ten meals in fifteen minutes," said Magistrate Wentworth, "the saloon keeper had a right to sell them to him. I will hold that, in every case where a meal is paid for, whether it costs five cents or $5, it is a bona fide meal, and not a subterfuge. If you do not agree with me you can take the evidence to the District Attorney's office and make a test case."

Inspector Allaire continued his inspections until Magistrate Wentworth lost patience and ordered the next case to be brought forward, thus ending discussion. Detective Sinnott then arraigned Michael Fitzpatrick, a waiter in a Raines law hotel at 116 Bowery. Sinnott and Detective Berry ordered beer, but no meals. They were served with beer and sandwiches and Fitzpatrick proposed to charge them for the meals.

"I told him we had ordered no meals," said Sinnott, "and that we would not pay for them. Anyhow he handed us a check, charging me for the beer only. Then we arrested him.

"I did not charge for the sandwiches, as I was afraid they would start a fight in the place and I wanted to avoid that," said Fitzpatrick.

"It was not the prisoner who committed a crime," said Fitzpatrick's lawyer, "but the policeman. The waiter wanted to charge for a meal, but the policemen intimidated him."

Magistrate Wentworth held that as the detectives had not ordered a meal, Fitzpatrick had violated the law and he held him for trial.

Vincent Pool, of 1 Jefferson Market Court, held for trial four Raines law hotel men for selling beer on Sunday to acting Inspector Hawley's detectives, on the score that although it was accompanied by a sandwich, the policemen were not legally "guests" of the "hotel."

TAKING PROFITS IN WHEAT.

A Slump in September in the Morning—But Prices Go Up Again.

Ocean grain freights were strong yesterday and the higher rates acted as a check upon the local export market for wheat. The demand for ocean freight room for grain in the last ten days to ports in the United Kingdom and Continental Europe has resulted in an advance of from 5 to 15 per cent. But four boatloads, or 32,000 bushels, of wheat were reported to have been sold for export in the local market. In Chicago, however, exporters took 140,000 bushels, and with the sales at the outports the day's export business aggregated over 400,000 bushels. This, combined with further news of crop shortages in foreign countries, supplemented by foreign buying of futures, had a very decided effect upon the wheat market. It exhibited great rallying power. There was a sharp decline early in the day that carried the September future down to 74 13-16 cents a bushel, as against 76¼ cents, the close on Saturday. All this loss was, however, more than recovered before the close of the day, the final quotation for September being 76⅞ cents, sales having previously been made at 77 cents. The early decline was due to general selling by professional traders to take profits on the bull side. The foreign buying, which was a feature on the recovery, was reported to represent both Liverpool and Paris account. The foreign markets closed firm.

Private cable advices reported that the threshing in France was turning out very unfavorably, that the prospects in Hungary were for a small wheat crop of poor quality, and in Austria for a crop below the average.

Some of the recent export demand has represented wheat to be shipped to Mediterranean and Adriatic ports, to which no wheat from this country has gone except for seed since 1880. Prominent among these ports are Trieste and Venice, ports usually supplied by Russia.

JAMES FLYNN DYING.

His Brother, Who Stabbed Him, Held Without Bail.

James Flynn of 925 Dean street, who was stabbed by his brother William at 927 Pacific street, Brooklyn, on Sunday, is dying at St. John's Hospital. He is suffering from three wounds, one of them in the intestines. The surgeons yesterday performed an operation on him in the hope of saving his life, and Flynn seemed to improve temporarily after it.

William Flynn, who did the stabbing, lives at 427 Cherry street, this city. He was arraigned in the Flatbush Court yesterday. He admitted the stabbing, but said he acted in self-defense, and struck without malice. He was held without bail by Justice Teale.

Caught in Pond Lily Stems and Drowned.

MORRISTOWN, N. Y., July 19.—Arthur Nelson Pavie, 19 years old, the son of George W. Pavie, a travelling salesman for Bloomingdale Brothers of New York, was drowned in Shongum Lake, four miles from here, this afternoon, while bathing with several other boys, members of the junior department of the Young Men's Christian Association. Pavie was graduated from the Morristown public school in June, and was employed as general secretary by the Y. M. C. Association for the summer months. He took the boys up for a day's outing. He fell from a raft, became entangled in pond lily stems in ten feet of water, and drowned. Robert Lee, 8 years old, dived repeatedly after Pavie sank, but could not extricate him.

MADISON AVENUE TROLLEY

PERMIT TO TRACTION TO TEAR UP THE STREETS OPPOSED.

J. Hansen Rhoades Protests in the Name of Property Owners Against Giving Away the Right—Proposed Conditions—Third Avenue Railroad Has a Spoke to Put in the Wheel.

Commissioner Collis gave a hearing yesterday on the application of the Metropolitan Street Railway Company for permission to change the motive power of the Madison avenue street car line to electric power, or, more particularly, to tear up the streets in order to effect such a change, authority to make which has been granted by the Railroad Commission. President H. H. Vreeland of the Metropolitan Company was there, with his counsel, Elihu Root, and Engineer Pierson of the company; and so were W. H. Page, Jr., of Hoadly, Lauterbach & Johnson, counsel to the Third Avenue Railroad Company, the engineer of that company, John Hansen Rhoades, Jr., appearing for his father, who represented Madison avenue property owners; W. C. Trow, counsel for an individual property holder of upper Madison avenue, and two or three other persons.

President Vreeland has grown a little fuller of face within a couple of years, and just a bit gray, and has developed a striking resemblance to President Depew. Not that he would be mistaken for the only Chauncey, but he might easily be pointed out, especially as he leans forward over a table sitting, for a younger edition of the Doctor leaning over a banquet board. He has more hair on the top of his head than has been left to Dr. Depew, but he wears his sidewhiskers exactly as does the President of the New York Central and keeps his slight mustache so closely cropped that it isn't noticeable.

Mr. Vreeland didn't do much of the talking, leaving Mr. Root to speak for the applicants. Mr. Page, while in no way opposing the application, made a vigorous stand to compel the Metropolitan Company to file a map showing its purposes in Park row, or on that part of the Madison Avenue Company's line south of Centre street, and he won his contention.

Mr. Rhoades was the chief opponent of the application. He read a letter from his father, who is absent from the city, and who said that the people he represented protested because they believed that the permit should not be granted unless the company was compelled to pay some sort of compensation to the city. Upon Madison avenue, he said, the change from horse power to electricity would, without restrictions, depreciate property values.

If a permit was to be granted, he asked that the company agree to clean and keep clean the avenue, pave and repave, and keep in order the roadway, not to salt the tracks in winter, to remove the snow, to regulate and control the speed of cars to a point of safety to pedestrians, and to limit the clanging of bells at crossings, and that the street cars be not allowed to "run its cars at more than a two-minute headway at any and all hours of the day."

Mr. Rhoades lives in Madison avenue. "We understand," he said in the letter, "that contracts have been awarded to tear up the centre of this avenue in order to lay a large sewer, for the cost of which we, as property owners, will have to pay a heavy tax, and we ask why, if this is necessary, the time should now be chosen to do this work, and if it be because this company do not wish their tracks disturbed by such work to be done in the future? We are aware that the sewers of a portion of this avenue are badly arranged and in bad condition. If this is so, we ask, why should not this have been remedied before, and why the work should be done now in order to accommodate this corporation, which is demanding great privileges at the cost of the property owners and residents of this avenue are to have their property injured by the acts of a corporation who are overriding the rights of the people, they surely have an honest right to protest and complain that the public authorities are going beyond the limit of their patience in thus serving the interests of a private corporation. We insist that our rights are being invaded and serious injury is to be done to us, and our patience is about exhausted. No wonder that the masses of our citizens are growing restless under these violations of the very spirit of municipal authority, and ready to retaliate both upon civic authority and corporate greed."

Mr. Page wanted plans submitted to the Commissioner, saying that such was the practice, showing how the company purposed building its road, under the motive power, from Park row from Centre street to its terminus at Broadway. Its charter gave it the right, he said, to operate only one track south of Centre street. At Tryon row had been the original terminus of the Harlem road, and later the company had got permission to run a single track below that point, but only a single track. This track the company had, some years ago, abandoned to or turned over to the Third avenue company, when the Third avenue company put in cable power, the Madison avenue company, however, continuing to run its cars down on the cable company's track, and the cable company permitting the Madison avenue company, by courtesy, to run its cars up from Broadway to Centre street, on a track owned by it, but not used by it since it acquired the Madison avenue company's single track there.

Mr. Page was not ready, he said, that his company was not willing to give any permission the other side wanted in the premises, but he wanted the map filed in order that his clients might know just what was intended.

"All we propose to do is to build on our own tracks," said Mr. Root. "We will give any information to the Commissioner of Public Works, but will not submit to interrogation by counsel for the Third Avenue Railroad Company."

There were several politely tart remarks during this part of the hearing. The Metropolitan people, however, would not explain the details of their plans.

"You can tell the Commissioner whether you propose to build one track or two tracks, and it is disingenuous and unfair to the Commissioner to prevent his obtaining the information," said Mr. Page.

The only response he evoked was an expressive "Oh!" from Mr. Vreeland.

Commissioner Collis said that he should like to have the Metropolitan Company file a map at his office, showing the existing tracks and the way in which the applicants proposed to cross the Third avenue company's tracks, or, after getting downtown, how they proposed getting back to Centre street. The Third avenue people, he informed Mr. Page, might see the map. Until it was filed he would stay his hand. He made clear during the hearing his wish to have the work that was to be done done this season, as he didn't propose, he said, to allow the streets to be torn up in the winter.

SAYS HE TOOK HER $500.

And After He Took It She Heard No More of Their Partnership.

Edward Heinecke, alias Otto Van Ness, 30 years old, of 200 Bloomfield street, Hoboken, was arrested at his home yesterday on a warrant issued by Justice Meade of this city, charged with swindling Mrs. Anna C. Gould, a German, of 218 East Nineteenth street, out of $500. Detective McManus, who appeared against the prisoner before Acting Recorder McCulloch in Hoboken, said that Heinecke was a well-known swindler and had been in Sing Sing Prison. His photograph is 2,466 in the Rogues' Gallery. Mrs. Gould said that Heinecke agreed to enter into partnership with her in the tobacco business, and she gave him $500 to purchase supplies. That was the last she saw of him before his arrest. Heinecke will be held for extradition to this city.

One of Turfman McElmeel's Fillies Throws Its Rider.

YONKERS, N. Y., July 19.—Edward Eggleston, a rubber for E. J. McElmeel, the turfman, lies in a precarious condition in St. John's Riverside Hospital as a result of injuries received by being thrown from the back of a two-year-old filly which he was trying out on the Saw Mill River road. Eggleston was speeding the filly in company with the an aged thoroughbred. When they reached the stone bridge on Ashburton avenue the filly bolted, throwing Eggleston head first against a stone wall and fracturing his skull in two places.

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