NO LET-UP FOR RATCLIFFE.

HE CAN'T LEAVE THE TOMBS EVEN TO GET FRESH LINEN.

The Actor Had Received the Judge's Permission to Go to His Hotel Under Guard Yesterday Afternoon When a Relentless Deputy Sheriff Interposed His Veto.

Edward J. Ratcliffe, the actor, who is on trial for beating his wife, had a bitter disappointment at the close of the day's proceedings yesterday in the Court of General Sessions. He had informed his counsel that he was in need of clean linen, and that it was absolutely necessary for him to go to his hotel for the purpose of replenishing his wardrobe. His counsel, Mirabeau L. Towns, stepped up to Judge Newburger and said that Ratcliffe desired to go to the Ashland House, where his trunks are. When asked if a messenger could not be sent after some clean linen for the actor, Mr. Towns explained that the keys had been lost, and added that a little fresh air would not do the defendant any harm. He suggested that two court officers be sent up to the hotel with Ratcliffe.

Judge Newburger said he had no objections providing Assistant District Attorney Lloyd gave his consent. Then a consultation was held with Mr. Lloyd, who said that he would not object to the court officers taking Ratcliffe to the hotel.

The prisoner, who was standing near, seemed greatly pleased. His face brightened and he smiled in a satisfied sort of way. The two court officers took off their uniform coats and put on civilian dress preparatory to accompanying the actor. After they had their hats on Ratcliffe picked up his overcoat and the three were starting for the door when Deputy Sheriff Kelly entered the courtroom. Kelly is the man who takes the prisoners over the Bridge of Sighs to and from the Tombs. He is known as "Capt. Dan, the bridgekeeper." Seeing the two court officers starting away with Ratcliffe, Capt. Dan headed them off and, catching hold of Ratcliffe's arm, said:

"You belong to me until this trial is over."

"But we have permission from the Judge to to take Mr. Ratcliffe up to his hotel to get a clean shirt," said one of the officers.

"All shirts look alike to me," said Capt. Dan.

"This gentleman is a well-known acter," explained one of the court officers, "and he should receive some privileges."

"All actors look alike to me," remarked Kelly, still holding Ratcliffe's arm. "I am an actor, too, to-day, and I have my part to play."

"Let go my arm," said Ratcliffe, trying to push the Deputy Sheriff aside.

"See here," said Kelly, "I gave a receipt for you to-day to the Warden of the Tombs, and what do you suppose will become of me if I don't take you back there?"

"But the Judge has given him permission to go uptown," said the biggest of the court officers.

"I always respect the court's order," said the deputy sheriff, "and, consequently, it is my duty now to take this man back to the Tombs and lock him up. Then I will get back the receipt which I gave for him this morning. I must bring him back, dead or alive. Judge Newburger has committed him to the Tombs. If the Judge issues an order on the Sheriff to release him I will execute that order. As matters stand now it is necessary for me to put him back where I got him."

Ratcliffe did not seem to understand the situation, and he turned appealingly to the court officers, who had volunteered to escort him to his hotel.

Seeing that it was useless to coax Deputy Sheriff Kelly, the party adjourned to Judge Newburger's private room, and there the matter was explained to the Judge. Judge Newburger said that, as long as Ratcliffe had been committed to the Tombs, no one but the Sheriff had authority to take the prisoner away. Then the court officers stepped aside, and Capt. Dan took Ratcliffe by the arm and escorted him through the prison pen and over the Bridge of Sighs to the Tombs. There Kelly got back the receipt which he had given for Ratcliffe in the morning, and, with a satisfied air, he remarked: "Now they can either hang him or set him free; I have played my part."

Ratcliffe was locked up in a cell.

When the court opened yesterday Mrs. Ratcliffe appeared in a new gown and a hat with black feathers set jauntily on the side of her head. She was accompanied by her maid and her father, Peter De Lacey. The maid, Katie Malloy, is a pleasant-looking woman, with big eyes and red cheeks. The day's proceedings began with Mrs. Ratcliffe on the stand, Lawyer Towns continuing his cross-examination of the witness.

"Where are you now living?" asked Mr. Towns.

"At 19 West Seventy-first street," answered Mrs. Ratcliffe.

Q.—How long have you lived there? A.—Oh, since August.

Q.—That was when you came back from White Lake? A.—Yes.

Q.—Didn't Mr. Farley visit you at White Lake and intercede with you and your father, Peter De Lacey, in behalf of Ratcliffe? A.—Yes.

Q.—And didn't your father say, "I have never yet injured a dog knowingly, but I will send Ratcliffe to the penitentiary"? A.—No.

Q.—Well, didn't he use words to that effect? A.—I don't remember.

Q.—You have never let your husband know whether your last baby was a boy or a girl, have you? A.—No.

Q.—When was it born? A.—In September.

Q.—Healthy, full-formed child? A.—Yes.

Q.—How much did it weigh? A.—Eight pounds.

It is claimed by the prosecution that Ratcliffe beat his wife shortly before her baby was born.

"Do you ever drink, Mrs. Ratcliffe?" asked Mr. Towns.

"Yes, I take a glass of beer sometimes."

Mr. Lloyd then went on with a redirect examination of the witness as follows:

Q.—Mrs. Ratcliffe, will you please tell me whether the furniture in the Eightieth street flat was paid for? A.—It was not.

Q.—Have you not been sued lately? A.—Yes, within the past three weeks.

Q.—Debts for furniture for which your husband did not pay? A.—Yes.

Q.—Now, did Mr. Ratcliffe ever pawn anything of yours? A.—Oh, yes.

Q.—What things? A.—Four diamond rings and my diamond earrings.

Q.—And did you get any of the proceeds? A.—Not one cent.

Q.—And you were hungry and needed money while your husband was spending everything? A.—Yes.

Q.—What was his salary as an actor? A.—I have heard that it was $125 a week.

Q.—Did any people ever help you to live—practically feed you? A.—Yes, I had to borrow money to buy food.

Q.—Where was your husband then? A.—In Boston.

Q.—He had a horse, didn't he? A.—Yes, in Boston with him.

Q.—Did your husband ever ask you to borrow money for him? A.—Yes; he once asked me to go to a man and borrow $500.

Q.—Did you go? A.—No, I did not.

Q.—After the reconciliation in the Supreme Court in the divorce proceedings between you and your husband you went to dinner with Mr. Towns? A.—Yes; my husband and I went together.

Q.—And didn't Mr. Towns say: "All married men have quarrels with their wives; I have quarrels with mine, only I don't go to court to settle our differences"?

"I object!" shouted Mr. Towns. But the Court overruled the objection, and Mrs. Ratcliffe smiled and answered: "Yes."

Q.—At that time who brought about the reconciliation between you? A.—Mr. Towns.

Q.—At your desire? A.—Not at all.

Q.—Has your father had anything to do with this case? A.—No, not until after the arrest was made.

Mr. Lloyd asked a couple of questions and then Mr. Towns said he desired to ask just another. "It seems that you must always have the last word," remarked Judge Newburger, addressing Mr. Towns.

"That is the right of a man they are trying to hang," replied counsel.

Mrs. Ratcliffe was permitted to step down, and Katie Malloy was called. She talked so rapidly that the court stenographer wore out the points of six lead pencils trying to take down one answer. She told the story of the row that occurred in the Ratcliffe flat on June 12, the day on which Ratcliffe is charged with knocking his wife down and kicking her.

"On that afternoon," said the maid, "I came back to the flat shortly after 5 o'clock. Mr. Ratcliffe was out. I had been out with the child, Virginia. Mr. Ratcliffe came back at 6 o'clock. There were some things on the dumb waiter, and he began to yell and swear because they had not been taken off. Mrs. Ratcliffe was in the dining room. Mr. Ratcliffe came in and said that he had sent home two ducks, tomatoes, peas and fish and that they were still on the dumb waiter. He called her vile names and said she that he had a good mind to brain her. After that she said something back to him—I did not hear what it was—and then Mr. Ratcliffe struck her on the side of the head and she staggered against the gas bracket on the wall. It was a very heavy blow and I was greatly frightened. Mrs. Ratcliffe got out of the room and I hurried ahead of her into the kitchen. He called her some dreadful names.

"After Mrs. Ratcliffe had gone into the kitchen he followed her, still swearing, and taunted her for crying. She said something back to him about cursing in the flat so that the ladies could hear. He said that he did not give a damn, and added something about terriers, meaning me and little Virginia. Then Mrs. Ratcliffe consented to go out and serve the dinner in the dining room. Mr. Ratcliffe picked up the child Virginia on his knee, telling her not to go near her mother because her mother was not good. Mrs. Ratcliffe was insulted at this, and got up from the table and started away. Mr. Ratcliffe then went at her. He had Virginia under his left arm. I took away the child. Then he beat and kicked Mrs. Ratcliffe until I called to him not to kill her. He said to her, 'Go into your room and I will finish you.' Then I got between them and pushed Mrs. Ratcliffe into the bathroom. Mr. Ratcliffe went to his own room."

Mr. Towns cross-examined the witness as follows:

Q.—Who cooked the meals? A.—Both Mr. and Mrs. Ratcliffe.

Q.—Who cooked the most of the meals? A.—Well, I can't exactly say—they cooked them together.

Q.—After the assault did Mrs. Ratcliffe go to Brooklyn? A.—Yes, and she returned to the flat on the following Tuesday. I went with her.

Q.—Didn't you quarrel with Mrs. Ratcliffe after you came back to New York? A.—We had a disagreement.

Q.—And you left her? A.—Yes.

Q.—This was previous to the time that you went before the Grand Jury? A.—Yes.

Q.—Had Peter De Lacey given you any money? A.—No. Not a cent. I never got any money from him.

Q.—Isn't it a fact that he did give you money? A.—He was paying my board, $3.50 a week, and $3.50 for pocket money.

Q.—How long has he been paying you this $7 a week? A.—Since Aug. 18.

Q.—Why did Mr. De Lacey give you this money? A.—I told him that I wanted to learn dressmaking, and he volunteered to help me out.

Mr. Lloyd questioned the witness as follows:

Q.—Did Mr. De Lacey tell you what to say here to-day? A.—No.

Q.—What did he tell you? A.—He simply said that he wanted me as a witness, and wanted me to tell nothing but the truth.

Q.—In one of your answers you said that beer was often brought to the Ratcliffe house; who drank the most of it? A.—Mr. Ratcliffe.

Q.—Who drank the beer while Mr. Ratcliffe was out of town? A.—We did not have any. When he went away we had to starve; but when he was here everything was lovely.

Q.—And you starved two or three months at a time? A.—I did unless I got money from my friends. When he was here he bought the best of everything for himself; but the minute he left we went shy. For a long time I lived almost entirely on cocoa and tea which I bought with money which my friends gave me.

The next witness was Policeman John T. McCarthy of the Yorkville Court squad. He told how Mrs. Ratcliffe had visited the court a few days after the assault to get a warrant for her husband's arrest. He said that the woman's face was badly swollen, and that there was a discoloration of the flesh beneath one of her eyes. He received a warrant for Ratcliffe's arrest, but was unable to serve it, as the actor had gone to Chicago.

Dr. Frederick A. Lyon of 56 East Sixty-third street, the physician who attended Mrs. Ratcliffe, was the last witness for the prosecution. He said he had been summoned by telegraph on June 15 to treat Mrs. Ratcliffe, who was then stopping at a boarding house at 104 West Seventy-seventh street. He found Mrs. Ratcliffe laboring under strong mental excitement. She complained of pains in the back, pains in the side and in the head.

"I found ten or twelve contusions on various parts of her body," said the doctor, "and some of them were six inches long. The most severe was on the hips. There was also an abrasion on the left side of the nose and a contusion on the face. I told her that her condition was serious, and feared that she would have hysterics. At that time I was afraid that her injuries might result fatally. I prescribed for her and attended her until she got well. The wounds were such as would result from blows and kicks."

Dr. Lyon was subjected to a severe cross-examination by Mr. Towns, but his testimony was not shaken. In answer to questions by Mr. Towns he said that he had accompanied Mrs. Ratcliffe to court to have her husband arrested, taking her in a hansom cab. The doctor added that he had also gone before the Grand Jury, giving testimony relating to Mrs. Ratcliffe's injuries.

This closed the case for the prosecution, and court then adjourned. The trial will be continued to-day.

OBITUARY.

Mrs. Elizabeth S. Osborn Comes died recently at New Milford, N. J., at an advanced age. She was the widow of William D. Comes, and for many years she resided in this city. She was of old colonial descent, her ancestors on both sides having been among the earliest settlers of the town of New Haven, Conn. One ancestress was Miss Lydia Atwater, a descendant of that Joshua Atwater under whose direction six men were "encamped in a rude hut" early in the winter of 1637, to hold the selected lands for the arrival of the body of colonists in 1638. One great-grandfather, Jeremiah Osborn, served as a gunner throughout the Revolutionary war, and her two grandfathers, David Osborn and Hezekiah Augur, promptly responded after the Lexington alarm, and saw service through Bunker Hill day. The name of "Hez. Augur" is among the signatures of those who applied to the Colonial Assembly of Connecticut on March 2, 1775, for the formation of the "Governor's Second Company of Life Guards," of which Benedict Arnold was made Captain, and Mr. Augur, who was of a Huguenot family, afterward participated in the secret march of seventy-five young men from New Haven, under the leadership of "King Sears," to destroy the printing office and press of the Tory Worthington in New York. An uncle, Hezekiah Augur, Jr., a sculptor, produced the "Jephtha and His Daughter," now in the New Haven historical collection. Mrs. Comes was the only sister of Minot Augur Osborn, the late senior editor of the New Haven *Register*. Four children survive her.

Patrick H. Carey died on Tuesday at his home, 543 Dean street, Brooklyn. He was born in 1834. In his youth he was a reporter for the Dublin *Telegraph*. He had mastered the Taylor system of stenography, and in 1853, having learned that there was a promising field in this country for adepts in shorthand, which was then in its infancy here, he came to New York. He got employment on the *Express* under Erastus Brooks. Subsequently he reported the border troubles in Kansas for the New York *Times*. He was in Washington as a correspondent for the *Times* and other newspapers in the stormy days preceding the outbreak of the rebellion. He reported the famous Sickles murder trial. After the firing on Sumter he returned to New York, where he secured appointment as stenographer in the Court of Common Pleas. He ranked so high as a shorthand expert that James T. Brady called him "the Recording Angel of the Courts." Mr. Brady was godfather to his only child, who was named after the famous pleader. He had saved enough money when he left the Common Pleas Court in 1870 to live at ease among his books. He collected a large general library, and was the possessor of what has been called the best collection of works on shorthand in the country. He also had a large collection of manuscript notes of celebrated cases. His wife and son died many years ago. Funeral services will be held to-morrow at the house. The interment will be in Calvary.

William Wesley Pasko, Secretary of the Typothetæ of the city of New York, died yesterday morning at the Hudson Street Hospital. Mr. Pasko had been ailing for some time with diabetes, and two months ago he was taken violently ill at the rooms of the Typothetæ, at 108 Fulton street, while he was there attending to his usual duties. His home was at Caldwell, N. J., and he had spent most of the time there since his attack, but he came to the offices of the Typothetæ on Tuesday and was stricken again. He was sent to the Hudson Street Hospital where, at 8:30 o'clock yesterday morning, he died. Mr. Pasko was born in Erie county in 1840 and was brought up as a printer. At one time he had a printing office of his own in Beekman street, and he was also connected with the Lockwood Press for a long time. He became Secretary of the Typothetæ about ten years ago. He was well known as a writer upon technical subjects relating to printing, having prepared the greater part of the "American Dictionary of Printing and Bookbinding." He leaves a widow and one son, who is a clergyman.

James Hatter died at his home, near Stanwich, Conn., on Tuesday, aged 81 years. He was a Jeffersonian Democrat, and for many years prominent in politics. For several terms he held the office of town tax collector, and was honest in his dealings that at the conclusion of his duties he paid $500 into the town treasury which he did not owe. When he tried to recover it later a litigation ensued, but finally a commission ascertained that his claim was just, and it was paid. He was a prosperous farmer.

Mrs. Mary A. Penny, who was in her ninety-fourth year, died at the home of her daughter, Mrs. Mary Potter, 222 Ainslie street, Williamsburg, yesterday. She was born in Bergen county, N. J. Her parents were Episcopalians. When she was 13 years old she joined the Methodist Church. Besides the married daughter Mrs. Penny leaves four sons.

John A. Willard, the banker, died at Mankato, Minn., suddenly yesterday. On last Saturday an operation was performed for strangulated hernia, and he did not revive. On Nov. 10 Mr. Willard assigned for $1,500,000, and had since resigned all the offices he held in various manufacturing and business enterprises.

Joseph Oteri, Jr., died in New Orleans on Tuesday night suddenly of apoplexy, aged 52. He was a native of Palermo, Italy, and one of the founders of the tropical fruit trade of New Orleans and the United States and the owner of a line of vessels running to Central America in that trade.

Telegraph Operator Gay Dies on a Train.

MOUNT VERNON, N. Y., Dec. 15.—William Gay, 50 years old, a telegraph operator in the general office of the Western Union Telegraph Company at 195 Broadway, New York city, died suddenly of heart disease while on a train going from White Plains to New York this morning. The body was taken off the train and returned to White Plains in less than an hour after Gay left home to go to his work.

BONAI'S LIST OF CRIMES.

ACKNOWLEDGES THAT HE COMMITTED TWELVE ROBBERIES.

Showed No Bitterness Toward His Wife Who Betrayed Him—Insists That He Never Shot at Any One While Committing Robbery—His Letter Asking His Wife to Pray for Him

BRIDGEPORT, Conn., Dec. 15.—Charles Bonai, the accused murderer of George Marcus Nichols, and confessed robber, was under cross-examination by State's Attorney Fessenden all of to-day. Bonai was cool when the examination began, but as question after question was put to him his wit and memory began to forsake him, and he weakened considerably. Mr. Fessenden started in this morning to expose Bonai's career and brought out the fact that Bonai had committed twelve robberies or burglaries, several of them of the character often described as desperate. But the prisoner stuck to his statement that he never used a revolver, except to frighten his victims, and that he never was violent.

The robbery of a man named Bull in North East, Pa., was a daring holdup in which two men held revolvers, but Bonai denied using one. He denied that he fired a revolver in ex-Sheriff Lamoree's house and in Mr. Fulton's house at Pine Plains, N. Y. During the examination not one word of bitterness toward his wife passed his lips. His only allegation against the woman who betrayed him was that she, her mother, and her two brothers were cognizant of the crimes which he committed and spurred him on for the love of the money which he was obtaining.

Of his mother-in-law and David and John Weeks the prisoner had nothing good to say. To them, he said, his downfall, after he had determined to lead an upright life, was due. Yielding to their persuasions and temptations he said he returned to the life of "grafting" or "poaching." His wife aided him after his robberies. His brother-in-law, when his money was gone, wrote to him to join him that night to make another haul, as his mother-in-law was grasping for money.

"Of the nineteen years following your first conviction you were in different State prisons for eleven years?" Mr. Fessenden asked.

"Twenty-three months in a reform school, seven years three months in Dannemora, and fourteen months in Wethersfield."

"When Dave suggested stealing to you, you knew all about the business?"

"I didn't know all about the business. I knew it was wrong. I told Dave it was poor business, and did my best to persuade him not to go into it."

"Then you went off into Dutchess county alone and stole, didn't you?"

"Yes sir, at my wife's request."

Bonai said he robbed the house of a man named Lamoree. Bonai testified that a man named McCabe was with him at Lamoree's at the outskirts of Salt Point, N. Y. They entered at midnight. They wore handkerchiefs tied over their faces and were armed. They did not bind nor gag the woman in the house. He fired no shots, neither did his pal. There was no one in the house but Mr. Lamoree and his wife. They ransacked the house and took nothing but money. He didn't put a revolver to Lamoree's head nor threaten to kill him if he made a noise. Mr. Lynch objected, saying that putting a revolver to a man's head was not showing violence.

"It comes pretty near it," the Court said.

"I think my friend would think so if he had a revolver at his head," Mr. Fessenden put in.

Bonai testified that he never went under an alias in Massachusetts. He never called himself Charles Macay. In Salisbury he went under the name of Charles Mason. He remembered a Pine Plains burglary, but didn't remember the name of the family. He didn't know whether it was the Fulton robbery or not. They went into that house about 8 P. M. They were armed and had their weapons out when they entered. He did not clinch with Fulton. No one was tied with ropes. McCabe and Sheridan were with him.

In December, 1896, and January, 1897, he sold bandages to physicians. After that he went to North East, Pa. In the latter part of January the prisoner said that he and Weeks committed a number of robberies—six, including the Old Farms and George M. Nichols robberies.

"Then that's twelve burglaries you have committed?"

"Yes, sir. Six before I was in prison and six afterward."

Of the robbery of Olney Bull in North East, Pa., Bonai said four men participated—Dave, himself, and two "pick-ups," whose names he didn't know. Mr. Fessenden based his questions on a newspaper article which he held in his hands. Bonai said he searched the man's pockets while Dave held the drop on him with a revolver. The other two men attacked Bull's son. Bonai said he displayed no revolver.

"Where was the next robbery?"

"That was the last robbery we committed."

In replying to Mr. Fessenden Bonai accounted for another robbery. It was a second visit to Lamoree's. Weeks was with him. They used no weapons. This visit was early in the evening.

"Did poor Dave take you there?"

"No, sir; I got poor Dave to go there."

Bonai said that this was Weeks's first robbery with him, but not the first attempt they made together. Weeks went to Bottsford with him to rob Gould Tomlinson; to Tashua to rob Milkman Gregory and to other places where Dave had worked.

The first Bonai heard of George M. Nichols was a day or two before they went there. Bonai told of the murder of Nichols more in detail than he did in the direct examination. Bonai held steadfast to the story that he did not fire a shot that night, that Dave fired both bullets came from the revolver of Weeks. Transferring the scene to the Weeks home on their return, Mr. Fessenden asked him concerning what he told his wife. Bonai said he did not tell his wife that he told Dave not to shoot. But just before the door was burst in he did say "Don't shoot." He admitted that he told his wife that Mr. Nichols shot at him; that was a lie.

"Did you tell your wife you fired the shot at Miss Nichols?"

"Yes, sir."

"Did you fire the shot at Miss Nicholas?"

"No, sir."

"That was a lie?"

"Yes, sir. I first told her we fired; afterward, when my wife and I were alone, I told her I shot Miss Nichols and Dave shot Mr. Nichols."

"What did you tell that lie for?"

"It was because Dave and I made up the story. I wanted to shield Dave all I could. I did not want to take the blame of Mr. Nichols's death, and later I told my wife about shooting Miss Nichols."

Subsequently, Bonai said, Dave admitted to Mrs. Bassett and Mrs. Bonai that morning at home that he fired the shot that killed George M. Nichols. He was then questioned about breaking up the revolvers and throwing them away. His wife, he said, suggested to him on the way to Stratford that he get rid of the revolvers so that if they were arrested they would not be found on him. He had taken them from home with that intention. He denied telling Mrs. Bonai that he had no nerve and wanted to back out. He again emphasized the statement that he did not intend to use a revolver at the murder.

"Did you urge your wife not to testify against you?"

"No, sir. I didn't think it was necessary. I thought she was true and loyal to me."

"Did you ask her to pray for you?"

"I wrote her to that effect."

"This woman, whom you say was the abettor in your crime, you asked to pray for you?"

"Yes, sir. I knew the people in the neighborhood thought she was a Christian woman. I did not want to show up her true character so long as she was true to me. When I found that she wasn't, I thought it my duty to tell the truth about her, and I have done so. I expected she would show that letter, and I wrote it just to help the farce along."

Bonai wrote that there were many things that he would like to say to his wife, but he was afraid they would remain forever unsaid. He loved her still, and he hoped she would forgive him for all he had done. He asked her prayers. He asked her to keep off the witness stand because "Conviction was sure" without her testimony, and, besides, the lawyers would pick her all to pieces.

"Did you want the public to know you wrote 'Conviction was sure?'"

"What did you mean?"

"I meant conviction for the robbery was sure."

A $30,000 Verdict Against E. B. Bartlett's Widow.

Mrs. Angelina A. Henderson in the Supreme Court in Brooklyn yesterday obtained a verdict of $30,300 in her suit against Mrs. Maria H. M. Bartlett, widow and executrix of the estate of the late E. B. Bartlett of the Union Warehouse Company. She sued to recover $25,000 and interest on loans to Mr. Bartlett from March 15, 1891. Her son, A. D. Henderson, lent the money to Mr. Bartlett and received notes in return. These he indorsed and turned over to his mother, and in 1893, by an agreement, 250 shares of the capital stock of the company were to be turned over to her for the notes, but before these were due Mr. Bartlett died.

Brooklyn Taxpayers Paying Up.

The payment of the taxes in Brooklyn began yesterday, and Collector Appleton expects to be able to turn into the badly crippled treasury today $5,000,000 or more.

Unless the Legislature decrees otherwise, Brooklyn will have no taxes to pay next year.

INDICTMENT MAY BE DEFECTIVE.

Hitch in the Trial of John Anderson for the Olive Pecker Murders.

NORFOLK, Va., Dec. 15.—John Anderson, cook of the schooner Olive Pecker, charged with the murder of Capt. Whitman and Mate Saunders and the burning of the vessel on Aug. 16 last in south Atlantic waters, may be indicted again. The case was to have been called at 11 o'clock this morning, but Judge Goff did not arrive until 3 o'clock. The court adjourned until that hour. When court convened Judge Goff was on the bench with Judge Hughes. The prisoner was nervous, and when his lawyer referred to him as an unfortunate man he broke down.

George McIntosh, counsel for the prisoner, moved that the indictments be quashed. He asked this, first, because the record did not show that Anderson was present at the indictment by the Grand Jury. In the Federal courts the right to challenge a grand juror is given, and in order to challenge a grand juror the accused must be present. The second reason for the motion was that the record of the court showed on its face that there were only thirteen jurors on the Grand Jury which indicted Anderson. The law requires not less than sixteen nor more than twenty-three. He produced a certified copy of the record of the court showing that only eight jurors responded to the first venire, and that a sufficient number of jurors was then summoned to complete the jury, but the record showed that indictments were found by thirteen of the fifteen additional jurors and failed to include the other eight, who did not participate and were not sworn.

After considerable argument Judge Goff ruled that the first point was not well taken. As to the second point, he agreed that the order could not be construed grammatically to read otherwise than as Mr. McIntosh had read it, and that he would not alter the record as entered on Nov. 17, but as to whether it was competent for the court to make a new order setting forth the facts as they occurred on that date, Judge Goff said he would listen to argument to-day.

TYPHOID IN HOBOKEN.

Five Cases in Four Neighboring Houses—Origin of the Cases in Paterson.

The Hoboken Board of Health Commissioners has discovered seven cases of diphtheria and five of typhoid fever in the four five-story tenement houses 59, 61, 63, and 67 Bloomfield street. In 63 six cases of sickness were found, and in each of the other houses two cases. Although the Commissioners have no fears of an immediate epidemic in the city, they adopted stringent measures to prevent the contagion from spreading, and instructed the Health Warden to quarantine the families in each house.

Within the last month, from Nov. 15 to the present, 109 cases of typhoid fever have been reported in Paterson. At the meeting of the Paterson Board of Health, held on Tuesday evening, Health Inspector Leal made a report in which he stated that, in his opinion, the outbreak is due to the use of milk from a dairy in Branchville, Sussex county, N. J. Seventy of the fever cases were in families which had used milk from the Branchville dairy, and, after tracing the milk, Inspector Leal made an examination of the dairy premises, and found them to be in a highly insanitary condition. In the case of the Stamford epidemic of typhoid, where the disease was spread by milk diluted with polluted water, the dairyman was arrested and prosecuted. There is talk of similar action in the Paterson case.

VISITED BY THE LUETGERT JURY.

The Sausage Man's Factory Inspected by Order of the Court.

CHICAGO, Dec. 15.—The jury in the Luetgert murder trial visited the sausage factory this afternoon immediately after Attorney Harmon closed his address for the prisoner. Neither Judge Gary, nor any of the lawyers in the case, accompanied the jury, and, according to the instructions of the Court, the members of the body were not allowed to even talk to each other. The jury was in charge of four bailiffs, and the party was taken to the factory in a bus. Judge Gary appointed Juror Gardner temporary foreman, and instructed the other members to follow him and to be careful that no one spoke to them. He also said that they must not talk to each other during their absence from the court.

Every nook, crevice, corner, obstruction, or other appurtenance which figures in the story of the alleged murder of Mrs. Luetgert was inspected. The jurors gave special attention to the famous middle vat about which State Attorneys Dineen and McEwen, aided by witnesses, will paint a picture of the big, strong defendant stirring in a boiling mixture the body of his wife. The trial of the case will be resumed to-morrow morning.

THE SPANGEHLS ARE NOT HAPPY.

Wife Says He Threw Wine and a Lighted Lamp at Her—Jealousy His Charge.

Counsel for Louis W. Spangehl, a rich bookbinder of Reade street, applied to Justice Van Wyck in the Supreme Court in Brooklyn yesterday for a bill of particulars in the suit of Magdalena Spangehl for a separation. Mrs. Spangehl charged her husband with cruelty and intoxication. She says he threw a glass of champagne and a lighted lamp at her. Counsel for Mr. Spangehl said his client had fitted up a fine house for his wife, and that during her husband's absence she placed the furniture on storage and with her babies went to her mother's home. "She is consumed with jealousy," he said. "Her mother is worth $50,000, and she has thousands of dollars in savings banks, and yet she swears that she is dependent on her on labor and the charity of her friends."

Justice Van Wyck reserved his decision.

RIGHTS OF AN ACCUSED MAN.

Even in Jersey He Need Not Assist in Having Himself Indicted.

HACKENSACK, N. J., Dec. 15.—Prosecutor Stagg of Bergen county attempted a new departure in criminal procedure to-day. James Anderson, charged with shooting John Monahan at Shadyside, was being taken before the Grand Jury by the Prosecutor and Sheriff, when Ernest Koester, his counsel, appeared in the corridor and ordered Anderson not to go unless taken by force. Prosecutor Stagg threatened Mr. Koester with contempt proceedings for interfering with an officer of the court. Mr. Koester accompanied the Prosecutor before Judge Collins, who upheld Mr. Koester, saying there was no warrant for taking a person accused of a crime before the Grand Jury that was, perhaps, to indict him.

MR. HENRIQUES AND CAPT. WARD.

Sharp Discussion About the Appointment of a Sergeant and a Roundsman.

There was a lively discussion yesterday at the bridge office in Brooklyn between Vice-President Henriques and Police Captain Ward in regard to the appointment of a Sergeant and a roundsman for the bridge squad. Capt. Ward insisted that the appointment should be made without further delay, and Mr. Henriques put an emphatic veto on the proposition. The Captain then invited Mr. Henriques to call around at the office on Jan. 10, when the new administration will be in power, and offered to bet him $500 that he would then find the new Sergeant and roundsman at their posts. Mr. Henriques did not take the bet.

$2.50 and $3 HATS for $1.75.

This does not refer to job lots or seconds, but Hats made special for us.

Each Hat contains our TRADE MARK, Which in itself is a guarantee of worth.

Semi-Annual Sale this Thursday, Friday & Saturday.

13th St. store open evenings until Christmas.

HACKETT, CARHART & CO. { Broadway, Corner 13th, Corner Canal, Near Chambers

GREEN FLAG AND CHAPMAN

BOTH FAILED TO BRING BACK MR. IRWIN'S STOLEN BICYCLE.

He Had Been Told in an Anonymous Letter to Hang Out the Flag as Evidence of Good Faith and the Wheel Would Be Given Up for a Reward—Get Chapman to Watch.

For fifteen years Charles O'Connor Irwin has had an employment agency at Sixth avenue and Eleventh street. A number of druggists, merchants, and booksellers have also carried on their business in the vicinity for many years, and acquaintance among them has ripened into an intimacy which brings them together at luncheon six days in the week and which has led to their playing many practical jokes on one another.

Some time ago Mr. Irwin had a violent attack of the bicycle fever. He purchased wheels for himself and the members of his family and monopolized the conversation at the daily gathering of merchants with gossip of "centuries," brakes, and sprockets.

"I wish you would lose your wheel, Charley, or break your neck," said one of his neighbors. "Anything would be better than this eternal gab about what you've done, where you've ridden, and all that."

But Mr. Irwin continued to talk. Last week, however, his wheel was stolen. The robbery was a bold one. The thief calmly entered the anteroom of Mr. Irwin's office, nodded to a number of women seeking employment, and picking up the bicycle, carried it downstairs.

Capt. Chapman of the Mercer street station was appealed to and he made a personal investigation.

That day at luncheon Irwin's friends heard nothing but stories of wheels stolen and recovered, the best manner in which to apprehend the thief, and, in fact, everything germane to the subject of lost bicycles. Somebody suggested that Mr. Irwin should have dodgers printed describing the wheel and offering a reward. This was done, and the dodgers were distributed all over the neighborhood. On Tuesday the dodgers brought forth an anonymous letter which read:

"DEAR SIR: As I can't pawn the wheel I relieved you of, I will return it to-night about 10 o'clock, if you will be there to receive it, tender reward and ask no questions. You know I took the machine supposing it would fetch money, but nobody would take the damn thing. If you will take the wheel back and be ready for it, hang out a green flag from the Sixth avenue window this morning until noon as a guarantee of good faith. I will walk by and look at it. No flag, no wheel."

"Johnny, give me my hat and get a green flag," exclaimed Mr. Irwin when he had read the letter.

"What?" asked the office boy.

"Hat, green flag, quick," repeated Mr. Irwin. "I'm off for the police station. Don't ask any questions."

Excited and out of breath from running Mr. Irwin burst into the Mercer street station and without waiting to speak to the Sergeant he hastily entered Capt. Chapman's room.

"We've got him sure. I knew we'd get him," cried Irwin.

"Got who?" asked Capt. Chapman.

"The thief, the fellow that took my wheel. Just read his letter, the impudent scoundrel."

Chapman read the letter and called Detective Wolfe, who did likewise.

"A bold thief," commented the Captain.

"Much more," said Detective Wolfe.

"We must get him," said the Captain.

"We must," agreed his henchman.

"We will put out a green flag," continued the Captain.

"We will," echoed the detective.

"Then we will watch for a man to look at it with satisfactory expression of face," concluded the Captain.

"Yes, we will watch," said the detective.

"But—but, Captain, if you watch," began Irwin, "the thief, if he sees you with your whis—"

"Not another word of apology, Mr. Irwin," said the Captain with authority. "I am willing to give my personal attention to this matter."

A green fire screen tacked to an old broom handle served as a flag. Chapman watched one side of the street and the detective the other. Irwin gazed out of the window. Not a passer-by seemed to notice the sign, but all of Irwin's friends came out of their stores frequently to see if it was still there. For a couple of hours Chapman, the detective and Irwin eagerly scanned the face of every man, woman or child who passed the flag. Then Irwin called on a number of his friends across the street. To them he told the story. At its conclusion one of the party was nearly doubled up with laughter and the rest joined in. Irwin was staggered.

"Eh!" he exclaimed, "what the devil is—Ah, I see, all a joke—yes, just a little joke—funny, though. Ha! Ha!—funny as thunder—good-by."

He ran out of the store and sought Capt. Chapman. Apologies were made in vain.

"This is a darn poor joke," Chapman said to the detective.

"Yes, damn—I mean darn poor," responded Wolfe. The two policemen went back to the station. Mr. Irwin hasn't got his wheel back yet.

LEANED OUT OF THE CAB WINDOW.

Fireman Rice Found to be Unconscious, and with His Skull Fractured.

With Stuart Jones as engineer and James Rice as fireman the Long Branch express on the New Jersey Central Railroad pulled out from the Jersey City station on Tuesday night. While the train was speeding through Bayonne Engineer Jones noticed that Fireman Rice failed to ring the bell for crossings as required.

He called to Rice but received no response. Rice was leaning out of the left window of the cab, and the engineer found he was unconscious. The train was stopped at the West Eighth street station and Rice was removed from the locomotive. A physician said his skull was fractured, and he was taken to the Bayonne Hospital in an ambulance. The skull was trepanned, and yesterday it was thought Rice would recover.

It is supposed he thrust his head from the window as the train was crossing the bridge over the Morris Canal and that it was struck by one of the giant steel pillars. He lives at 242 Monitor street, Jersey City, and is married.

JUROR FELL AND BROKE HIS NOSE.

Why There Was a Postponement Yesterday in a Manslaughter Trial.

The trial of Robert Lowery for manslaughter was interrupted yesterday in the General Sessions shortly after the announcement was made that the trial would probably end to-day. The interruption was due to a mishap that befell one of the jurors. Lowery is accused of causing the death of his wife, and at 1 o'clock, when Judge McMahon declared a recess in the case, Juror No. 2, who is Michael F. Judge, a clerk, living at 167 West 102d street, went to a saloon opposite the court building for lunch.

While crossing the street on his way back Judge tripped against the curb, falling on his face. When he was picked up it was found that his nose was broken, and he was assisted to the New York Dispensary, where he received medical attention. He returned to court with a bandage on his face and was met in the corridor by Capt. Maloney of the court squad, who brought him before Judge McMahon. The Captain explained that the juror's nose had been broken, and Judge McMahon adjourned court. Judge was sent home in a cab.

Tiffany & Co.

Pottery and Glass.

Our Christmas display in this department is notably attractive.

Large assortment of cut-glass wine glasses from the most delicate simple patterns to the richest carved rock-crystal designs.

Dinner and dessert plates in refined and original decorations; also a limited stock of pottery with Pompeian decorations.

UNION SQUARE NEW YORK

YESTERDAY'S WEDDINGS.

Hobson—Haydock.

Miss Haydock and Russell B. Hobson were married yesterday at the Friends' Meeting House, on Twentieth street, east of Irving place, at the end of the usual Fourth Day meeting. Before this there had been a few minutes of silence, following a prayer offered by Mrs. Anna Knight. Charles W. Lawrence, the recorder, read the certificate of the marriage, with its detailed specifications. This was signed by the bride and bridegroom, as well as by the best man, Herbert Turtle, and the maid of honor, Miss Amelia Haydock. Afterwards there was a reception in the meeting house parlor, and all present signed the certificate.

According to usual Quaker forms, a committee was appointed some time ago, after the couple had been called in meeting, to investigate the propriety of the marriage and to see that there were no existing impediments. This committee, which found ever