# The Sun.

Light snow or rain; southwesterly winds.

VOL. LXV.—NO. 114. NEW YORK, THURSDAY, DECEMBER 23, 1897.—COPYRIGHT, 1897, BY THE SUN PRINTING AND PUBLISHING ASSOCIATION. PRICE TWO CENTS.


## RATCLIFFE FOUND GUILTY.

### *JURY'S VERDICT "ASSAULT IN THE THIRD DEGREE."*

**It Was Returned at 1 o'Clock This Morning After Nine and a Half Hours' Deliberation—The Actor Much Affected by the Result—His Lawyer Will Move for a New Trial.**

The jury in the case of Edward J. Ratcliffe, the actor, who is on trial in Part I. of the General Sessions for wife beating, retired at 3:30 o'clock yesterday afternoon.

At 1 o'clock this morning the jurymen returned a verdict of assault in the third degree. The indictment was for assault in the second degree.

The defendant's lawyer, Mr. Towns, asked that the jury be polled, and each member answered that he concurred in the verdict.

Ratcliffe seemed greatly excited while this was going on. His face was bathed in perspiration, and he bit his lips. The court room was crowded, but there was only one woman present, and no one seemed to know who she was.

Judge Newberger set next Tuesday for hearing Mr. Town's motion for a new trial. Ratcliffe was taken back to the Tombs prison on the verge of collapse and locked up.

Assault in the third degree is punishable by imprisonment for not more than one year, or by a fine of not more than $500, or both. Imprisonment must be in jail or penitentiary, not in State prison.

There was a big crowd in the court room yesterday morning when Deputy Sheriff Daniel Kelly brought Ratcliffe in. Ratcliffe's counsel, Mirabeau L. Towns, had addressed the jury on Tuesday and had told the jurymen the charge that Ratcliffe had beaten his wife would never have been made if Peter De Lacy, Mrs. Ratcliffe's father, had not prompted her to make it. Counsel also attacked Assistant District Attorney Lloyd. Mr. Lloyd had his say yesterday, and he hit back at Mr. Towns, beginning by saying:

"Gentlemen of the jury, I see that you all have survived the ravings of my friend from the borough of Brooklyn. To-day a hundred thousand persons are awaiting your verdict in this case. They want to know whether or not a wife beater can thrive at his occupation. My opponent has ranted in his argument to you, but my claim will be that the record of the evidence must decide this case. I have shown you that the defendant did assault his wife. If I have not shown you this, and proved it, then you must acquit the defendant. After he assaulted his wife he fled to Chicago where he claimed he had a theatrical engagement. Do you believe he had such an engagement? Why he never let his wife know where he was; he never wrote to her until after he had been landed in a police station cell, where he properly belonged. Then he telegraphed her, 'for God's sake withdraw the charge.'

"He fought a legal battle tooth and nail to avoid being brought back to this city. What does this show? Does it show innocence? If he was an innocent man why did he not come back voluntarily?

"Ratcliffe went on the witness stand and denied everything excepting that he had been naturalized. He did just as we expected he would do. But how does the defence account for the bloody handkerchief which it is admitted was used by Mrs. Ratcliffe on the day of the assault? The defence claimed that she was subject to nosebleed, but the only time she was afflicted in that way was when her nose came in conflict with the fist of this burly ruffian. What sort of a man is he? Is he to be believed? We caught him in a lie when he testified that he had paid the undertaker for the burial of his first child. The undertaker went on the stand and told you he had never been paid. The only bill he paid was the bill for his wife's funeral. While he paid for his horses, he neglected to pay for the burial of his child."

Continuing, Mr. Lloyd referred to Ratcliffe as an imported bulldog who had no love for his wife.

"I don't know whether any of you are physiognomists," continued the prosecuting attorney, "but have you observed that square jaw and those thin lips, and that cruel mouth? You know what that means. He is a study for a physiognomist.

"Referring to Mr. Towns, I don't believe he has any more regard for a woman than his client. Actors as a class don't marry a woman because they love her. A woman is simply a plaything in their hands and then they cast her overboard. They haven't the same regard for the marriage vows as you have."

Judge Newburger in his charge to the jury said that although the indictment charged assault in the second degree, if the evidence warranted it, a verdict of assault in the third degree might be rendered. "I charge you," said he, "that the name of one De Lacy has no place in this case. You must not consider him. I also charge you that you have nothing to do with the question of sentence. The law regulates that. The defendant says he did not assault the complaining witness so as to do her bodily harm. He does say that he pushed her into a chair, which act he says he was justified in doing. Temper of a person is no excuse for assault. If, after a fair consideration of the case, you find the complainant was grievously assaulted, your verdict must be assault in the second degree, if not the third degree. If there is a reasonable doubt in your mind as to the two degrees, your verdict must be not guilty."

The jury retired at 3:30 o'clock. At 7 o'clock an agreement had not been reached and the jury was taken out to supper. At 8:30 the jury was again locked up.

Ratcliffe ate supper in the Tombs, but he did not appear to be hungry. His face was pale and his eyes sunken. For the first time since his arrest he seemed to be suffering mental agony.

At 12:45 the jury returned and asked that the portion of Judge Newburger's charge having reference to Ratcliffe's flight to Chicago after the alleged assault be re-read to them. This was done and they again retired.

### *CARS CRASH ON MADISON AVENUE.*

**One Man Badly Hurt in a Collision at the Twenty-eighth Street Crossing.**

The first accident of any consequence on the Madison avenue line since the underground electric system was installed occurred at 7 o'clock last evening, at Twenty-eighth street and Fourth avenue. A north-bound electric car loaded to the gunwales smashed into a crowded horse car of the Twenty-eighth street line, and one man was so badly hurt that he may die. The horse car was going east, and, according to the general custom, the driver stopped on the west side of Fourth avenue to take his bearings before crossing the underground trolley tracks. At the same instant the electric car, which had in tow a trailer with a burned-out motor, and which had stopped at Twenty-seventh street to let off a passenger, started forward at full speed. Each of the electric cars carried a great crowd of women, and many of them were standing in the aisles.

Emanuel Huber, the horse car conductor, stood on the rear platform and evidently was unaware that the electric cars were approaching, for he gave the driver the signal to start. The driver obeyed. When the car was half way across the tracks in Fourth avenue the driver saw the electric cars bearing down on him, and he made a desperate effort to avoid a collision. He yelled at the horses, and they went forward at a spanking gait.

The electric cars, however, were too fast for them, and the forward one crashed into the rear truck of the Twenty-eighth street car, throwing it from the track and smashing several of the windows. Huber was pitched into the street, and he struck the pavement in such a manner that his pelvis was fractured. When he was taken to Bellevue Hospital the physician who examined him said he might die.

A passenger who stood near him on the rear platform fell backward over the dashboard, but he escaped with a few slight bruises. The driver and two passengers who stood on the front platform were also hurled from the car, but none of them was injured. The shock of the collision and the crash of the broken glass caused a panic among the passengers who were inside. Two women fainted and in the rush that was made for the doors several others were roughly handled.

George Heferman, the motorman of the electric car, was arrested on a charge of reckless driving, and was locked up in the East Thirty-fifth street station.

The cross-town car was so badly damaged that it could not proceed on its journey.

Although the crossing at Twenty-eighth street and Fourth avenue is a dangerous spot, the motormen on the electric cars do not appear to be aware of it. A reporter who stood there for thirty minutes last night noticed that every electric car which passed in either direction crossed the tracks of the cross-town road at full speed. Not one of the motormen stopped his car before reaching the tracks to see whether or not it was safe to cross them.

### *HE GOT FOUR ROBBERS ALONE.*

**Rood Shot Two of the Five Burglars and Two Others Surrendered.**

WEST WINSTED, Conn., Dec. 22.—Martin Rood, a clerk in a store in Canaan, fought five robbers in the dark this morning and shot two of them, captured four of them, and escaped without a scratch. Rood is 25 years old, and is employed in the general store of Jackson & Eggleston, in the village of Canaan, in the town of North Canaan. For ten years he has been a faithful employee of the firm, during which time he has had several encounters with robbers. He sleeps in the store, but never without two revolvers, which he keeps under his pillow. Three years ago he fought three intruders, and they were let out of State prison in last August. Two years ago he saw two robbers entering the store and fired two shots at them, but they escaped the bullets and got away. Three weeks ago he was detained at home on account of sickness in the family, and the next morning it was discovered that robbers had effected an entrance to the store and stolen $150 worth of clothing and other stuff. They were never apprehended, and Martin Rood said that he would not sleep again outside the store.

Rood was awakened this morning by a noise, and, pulling aside a curtain which hid his cot, he saw five men in the north end of the store where clothing and footwear are kept. They were changing their clothing and trying on shoes. With a revolver in each hand Rood jumped from his cot. He was within twelve feet of the place where the burglars were at work. He shouted:

"Stand still or I'll shoot."

The five men didn't obey the command, but started for the window through which they had entered. Rood opened fire, and, after he had discharged his revolver twice, one man shouted:

"I'm shot."

Rood then ordered the other three men who remained in the place to throw up their hands. Two of them refused and were only made to surrender at the point of the revolver. Rood marched the four into a small room in the store and after locking them went out doors and fired off his revolver to alarm the neighborhood. The first man to arrive was Michael Joyce, night operator at the railroad station of the Berkshire division of the New York, New Haven and Hartford Railroad. He summoned Deputy Sheriff Van Dusen, and meantime more than a score of villagers had arrived at the scene.

The men were brought out of the room in the store and examined and their clothing searched. No weapons were found, not even a jackknife. It was found that one robber, who gave his name as John C. Davis and who said Boston was his home, had been shot through the right thigh. Another, who said he was Percy St. Clair of Boston, had a close escape from instant death. A bullet passed through his clothing and struck a small piece of solid brass on the back of his suspenders and dropped to the floor. He had a black and blue spot in the centre of his back made by the force of the bullet. The other two captives gave their names as Thomas Martin, alias "Whitey," and James McGraw. The men, with the exception of Davis, who is unable to walk, had a preliminary hearing this afternoon and Justice E. S. Roberts bound each of them over to the April term of the Superior Court under $500 bonds.

The four prisoners say the man who escaped was Dennis Hickey and that they met him in Danbury yesterday. He said that he knew where there were Christmas presents and they rode to Canaan on a freight train and Hickey broke into the store and afterward pulled them in. The police believe that Hickey is one of a gang of thieves who broke into the same store three years ago and was captured later at Fishkill, N. Y.

### *LAWYER WILLIAM H. KENT ACCUSED*

**Charged with Defrauding a Client by Forging Her Name to a Satisfaction Piece.**

William H. Kent, a lawyer and notary public of 13 Middagh street, Brooklyn, was arrested yesterday afternoon on a warrant issued by Police Justice Brenner of the Adams Street Court, on a charge of swindling Mrs. Mary H. McCord of 574 Washington avenue, one of his clients, out of $1,100 in a real estate transaction. The complaint is that he falsely attested the genuineness of a satisfaction piece on a mortgage mad by Sarah G. O'Donoghue and John O'Donoghue to Mrs. McCord on Oct. 23, 1888. Mr. Kent had long been Mrs. McCord's legal adviser, and attended to all her real estate investments. She avers that in addition to purloining the amount of the mortgage in this particular transaction, he made away with other trust funds, including taxes and cash given to him for investment by Mrs. McCord's sister and by her executrix. Assistant District Attorney Caldwell, who has had the matter under investigation for several days, said that he would not be surprised to find that Kent's frauds on his clients would aggregate $40,000 or more.

Mr. Kent has long been a prominent member of Plymouth Church, a teacher in the Sunday school, and an active worker in the Bethel Mission. No suspicion of his integrity ever crossed Mrs. McCord's mind until she recently discovered that some of her property was offered for sale under the arrears law for nonpayment of taxes. On inquiry she found that the taxes had not been paid for several years. She says that she gave Mr. Kent the money regularly as each tax levy came around, but never thought of asking him for the receipted bills. In the course of the inquiry which followed she discovered the alleged fraud in the mortgage transaction. She learned from the O'Donoghues that they had paid the amount of the mortgage to Kent on last Nov. 3, and she was positive that she had signed no receipt on that day. "I am absolutely certain," Mrs. McCord said, "that I signed no receipt on that day. It was the day after election, and I was so disheartened over the defeat of the Republicans that I remained in the house all day."

Mr. Kent says that he sent the satisfaction piece to Mrs. McCord through the mails, and that it came back to him signed with her name. He never, he says, questioned the genuineness of the signature. He was held in $5,000 bail for examination on Dec. 27 on a charge of forgery in the first degree.

### *ONTARIO'S TIMBER POLICY.*

**The Government Announces Conditions Meant to Retaliate on Us.**

OTTAWA, Ontario, Dec. 22.—The Ontario Government has unexpectedly announced its policy in respect to the timber question. Licenses issued after April next will contain a condition that pine timber shall be manufactured in Canada. This restriction does not affect existing licenses. The condition means that all pine timber cut on ungranted provincial lands shall be manufactured into boards, deals, joists, lath, shingles, or other sawn lumber, or into waney board or square or other timber in Canada. The penalty for violation of the regulation is suspension of license at the will of the Lieutenant-Governor. Logs illegally cut can be seized and held until security is given by the owner that they will be manufactured in Canada, failing which they may be sold to some person who will undertake to manufacture them in Canada; the proceeds after paying debts and expenses, to be handed over to the limit owner or licensee. It is understood that this sudden move on the part of the Ontario Government is in consequence of assurances from the authorities at Ottawa that the Washington reciprocity negotiations had fallen through, as well as to meet the popular demand for retaliation expressed throughout Ontario. It will decrease the price of timber limits in the future so long as this regulation stands, and will not serve the purpose intended.

### *UP FARMER DUNN'S FLAGSTAFF.*

**William Anderson Makes the Climb to the Highest Point in the City.**

Lower Broadway had a sensation yesterday in a wee moving speck of black at the top of Farmer Dunn's flagstaff on the Manhattan Life building. The speck was a full-grown man, and it was the 430 feet of distance from the sidewalk that made him look like a fly.

For some time the halyards which hoist the signal flags to the top of the staff have not been running smoothly, and one of Farmer Dunn's young men found that they were badly worn. William Anderson of 742 Washington street, a professional steeple climber, was sent for and asked to take the job of putting up new ones. Anderson is 41 years old, and says that he has been up the tallest poles and chimneys in this country, but he hesitated a bit before he undertook this job. He said it was the worst he had ever tackled. Finally he decided to go, and at 11:30 o'clock yesterday morning he clambered up to the top, rove the new halyards through the block, and got down without any mishap.

The cap of the dome on which the staff stands is 410 feet above sea level and 380 feet above Broadway. The staff is 50 feet high, and the top of it is the highest point on any building in this city.


**Corn-Fed Pig Pork, Young, Tender,**

and delicious, is only kind used in Deerfoot Farm Sausages. Choice spices for seasoning. Beware imitations.—Adv.


## CZAR AND KAISER AGREED?

### *SIGNIFICANT SPEECH OF THE EMPEROR AT GRAUDENZ.*

**"My Dear, Faithful Friend on the East," He Says, Referring to the Russian Monarch—Russian Influence Felt Again in China—England's Possible Chance in the Partition.**

*Special Cable Despatch to* THE SUN.

BERLIN, Dec. 22.—It is reported that Prince Henry of Prussia, during his recent visit to London, ascertained that Great Britain does not regard the German occupation of Kiao Chou Bay as incompatible with British interests.

Emperor William, on his visit of inspection to the new fort works at Graudenz, West Prussia, made a speech, in which he pointed out the necessity for strengthening the country's defences against possible future attack. He added:

"But I hope it will never come to that, for our neighbor on the east, my dear, faithful friend, has the same political views as I."

This remark is taken in certain quarters as proof of a Russian-German agreement respecting China.

PEKIN, Dec. 22.—If, in consequence of concessions on the part of China to other powers, Great Britain should demand a *quid pro quo*, it is suggested that this could be made by an Anglo-Japanese occupation of Wei Hai Wei, Germany refusing to give up Kiao Chou Bay.

It is regarded as unquestionable that both Port Arthur and Kiao Chou Bay were promised to Russia by a secret treaty, and the Chinese are hesitating between peace and war with Germany.

British influence in China, which was weakened by the failure of the negotiations whereby China expected to obtain a British loan through the Hooley-Jameson syndicate, is now a thing of the past and only Russia is consulted by the Chinese Government in weighty affairs. Pourparlers looking to the conclusion of a loan in Russia are now proceeding, and it is likely that they will be successful.

The British railway engineers employed in northern China have been dismissed upon Russia's demand and Russian drill instructors will replace the German officers acting in that capacity in the Chinese Army at the expiration of the engagements of the Germans. Russian drill instructors have already been appointed in the armies of north China.

LONDON, Dec. 22.—A despatch to the *Times* from Pekin confirms the statement that Russia has demanded the dismissal of the engineers employed on the railroads of North China. The Chinese Government hesitates to comply with the demand.

The despatch adds that the Chinese are provisioning Port Arthur, and will reconstruct the forts there under Russian supervision. Russia furnishing the money for the work. This indicates that the wintering of the Russian fleet at Port Arthur is preliminary to the permanent occupation of the place.

The necessity for safeguarding the British position in the East increases. The Russian-Chinese Bank, as the agent of the Russian Government, has offered to supply China with 120,000 Berdan rifles, payment to be made for them at the end of five years, and the offer has been accepted.

A despatch from Kobe, Japan, to the *Times* says that the Ministry is disturbed over the occupation of Port Arthur by the Russians. Long Cabinet councils have been held, which were attended by high military officials. The Ministry is involved in trouble concerning its internal taxation proposals, to which the Diet is hostile.

VIENNA, Dec. 22.—The Pan-Germanic *Deutsche Zeitung* contends that the United States, owing to its geographical position, is far more interested in the opening of China than all the European powers together.

It declares that the partition of the country cannot be effected without the approval or participation of the United States, to whose just aspirations and interests it advises Europe to give timely attention.

### *HEPWORTH'S EXPLORING TOUR.*

**The Congregationalist Says It Has Become the Laughing Stock of Nations.**

BOSTON, Dec. 22.—The *Congregationalist* will say to-morrow editorially:

"Dr. Hepworth's tour of investigation in Armenia, under the auspices of the Sultan of Turkey and the New York *Herald*, already has become the laughing stock of nations. We alluded last week to the contempt expressed for it by the Constantinople correspondent of the London *Speaker*. He was basing his judgment on what Dr. Hepworth hoped to do. Others are now taking their turn exposing the worth of that which he says he has ascertained and accomplished. Thus, in his first letter from Trebizond, he gravely cited an interview with a prominent individual, who described to him the reasons why the attack of Armenians upon the Ottoman Bank in Constantinople caused the massacre of Armenians in Trebizond.

"Dr. Strong, in the *Missionary Herald* for January, shows that the Ottoman Bank episode occurred on Aug. 26, 1896, while the Trebizond massacre occurred on Oct. 8, 1895, ten months earlier, all of which shows that Dr. Hepworth is very ignorant and very gullible.

"But this is not all. Last week Dr. Hepworth telegraphed to his patrons: 'I have arrived safely at Bitlis after a severe eight days' sledge journey in violent snowstorms and through the wildest country never before visited by Europeans. It has been a wonderful experience.'"

Whereupon the *Congregationalist* ridicules the statement.

### *WORKMEN UNEARTH COIN.*

**Struck a Rich Find in an Old Building on the Site of the Putnam County Dam.**

FISHKILL LANDING, Dec. 22.—While at work tearing down a building near Farmers Mills, just over the line in Putnam county, workmen found a sum of money in the cellar which is estimated from $1,000 to $1,500. The building was formerly owned by ex-Sheriff R. R. Barrett, who now resides in this place. New York city acquired the land and buildings some time ago, and the work of constructing the dam for the storage of water purposes was started. The building in which the money was found was a store and dwelling property, and in years gone by, before there were railroads and when this was on the post road, a back road on the site. There were three or four men in the cellar digging. One of the men struck something with his pick which gave out a ring and flew some distance. He picked it up, and it was a silver coin. Soon afterward a gold coin was struck. The men kept on digging, unearthing bills, gold and silver coin, but they will not tell the amount.

A discussion has arisen as to whom the money belongs to. The title of this property is in New York, but the contractors were to have the buildings to be destroyed in part payment, so that they owned the building. The men who found the money say that they intend to keep it.

### *CHICAGO'S WHEAT DEAL.*

**Speculation as to How Leiter Is Going to Store His Holdings.**

CHICAGO, Dec. 22.—Board of Trade men and curbstone brokers are beginning to speculate on who the Leiter clique is going to get rid of its enormous holdings of wheat. It was said this morning that the Pennsylvania Company had been asked to take 1,000,000 bushels to the seaboard, but the price offered for carrying the grain was too small, and therefore the proposition was not entertained. It was said also that the Vanderbilt lines—the Lake Shore and Michigan Southern, the Nickel Plate, and others—have as good as made contracts to place a lot of the wheat on the seaboard at 6¼ cents a bushel. The Baltimore and Ohio has refused to take the wheat East for the same reason that the Pennsylvania Company declined—the low rate of freight. Most of the Eastern lines declare that there is no money in carrying wheat from Chicago to the Atlantic for 6¼ cents a bushel.

The trading on the board to-day was quiet. The brokers spent most of their time speculating on the outcome of the great wheat deal.

### *FEUD OVER DORA CLAY.*

**Her Brothers and Brother-in-Law Take Sides and Fight About Her.**

VALLEY VIEW, Ky., Dec. 22.—A feud exists between Clell Richardson, brother of Dora Clay, wife of Gen. Clay, and his brother-in-law, Will Bryant, on one side, and Clell's brothers Will, John, and Tom on the other side. Will Richardson and Clell fought last night, and Will fired five shots at Clell and retreated under Clell's upraised bowie knife. The fight had scarcely ended when John Richardson and Will Bryant had a fight with pieces of scantling on the Southern Lumber Company's bridge spanning a little stream. They met on the bridge, and John accused Bryant of being the cause of the estrangement of Dora Clay from her husband and of causing people to talk about Dora. Bryant made a motion as if to draw a pistol, when John knocked him down with a piece of scantling. Bryant rose with a scantling in his hand, with which he struck Richardson. They fought several minutes, when Bryant withdrew to get a revolver. When he returned with the weapon John had gone home to get his shotgun. Bryant got into Clell's house before John returned, but John waited on the outside for Bryant to appear.

Bryant, in an interview to-day, said that John probably might "lay him out," but he is not afraid. He is heavily armed, and seems anxious for a shooting match with John.

Dora Clay seems unconcerned. She takes the fight between her brothers and Bryant unconcernedly. In speaking of the trouble she said:

"It all comes because they are mad at Clell on account of his receiving money from Mr. Clay for my board and not giving them any. They are mad at Will Bryant because Clell lets him stay here. He has never done anything to them. I have never said that I would not return to Mr. Clay. I will go back when I get ready."

Clell swore out a warrant against Will to-day charging him with shooting with intent to kill. Bryant has not sworn out a warrant against John. Will's case will probably be tried in Richmond the latter part of the week.

John Richardson bitterly denounced Clell as a mercenary and unscrupulous brother who is willing to allow his sister's character to be assailed by scandalmongers in order to get money from Gen. Clay. John intimated in an interview that Clell was scheming to make big money out of Gen. Clay or those who wished to keep Dora from returning to him. John said he would tell all he knew if placed on the witness stand, but not otherwise. He said he had tolerated Will Bryant as long as he could.

### *LAWYER HENRY F. PARKER KILLED.*

**Fell from a Bicycle—Looks as If He Was Knocked Off in a Collision.**

Henry F. Parker, a patent lawyer of 220 Broadway, living at 672 Prospect place, Brooklyn, died at St. John's Hospital on Tuesday afternoon of injuries received in a fall from a bicycle on Saturday. It is believed he was knocked down in a collision. It was early in the evening, and he was riding down Bedford avenue near his home.

A woman living near by says she heard shouts and ran to the street. Mr. Parker was lying unconscious in the street, and a man who had just alighted from a road wagon was trying to help Mr. Parker to his feet. She asked the man how Mr. Parker came to fall, and his reply was that he had told him to get out of the way several times, but that he would not do so.

A park policeman came up, the woman says, but with the remark that it was not on his beat he went away again without doing anything. Another policeman came along later, and Mr. Parker was carried to a neighboring house and an ambulance was called. The man in the road wagon drove away without giving his name.

At the hospital Mr. Parker was found to have received a fracture of the skull and other injuries. He never regained full consciousness, and all he could say about the affair sounded like "I never fell."

Mr. Parker, who was 39 years old, leaves a wife and two children.

### *SOLDIERS SHOOT AT RAIDERS.*

**Detachment of Militia Guarding a Tollgate Fire on Some Marauders.**

DANVILLE, Ky., Dec. 22.—Capt. Corn's detachment of twelve soldiers of the Hardin Rifles, who are guarding a tollgate on the Stanford turnpike, a mile out of town, fired upon what they believe to have been a party of dynamiters at 2 o'clock this morning. Since the troops were ordered here there have been numerous threats that the tollhouse in which they were quartered would be blown up, but as no violence had been offered for several days no alarm was felt. This morning Sergeant Latta was patrolling a beat several hundred yards from the house when he heard a party of twelve or fifteen horsemen riding up. They stopped on a hill, and Latta ran back to the house to notify Capt. Corn who was in command. Latta decided to go around the back of the house, and as he did so came upon a man who jumped through a gate and ran. Latta fired at him and at the same moment another man ran by two other pickets, who also fired. The three then discharged their guns at the party of horsemen who galloped off. The soldiers are satisfied that the men had slipped up with the intention of dynamiting the tollhouse, but were surprised before they could do anything.

### *TAKES HER DOWER RIGHTS.*

**Mrs. Augusta S. Billings of Chicago Disregards Her Husband's Bequest to Her.**

CHICAGO, Dec. 22.—Mrs. Augusta S. Billings, widow of Albert M. Billings, the millionaire banker and capitalist, has renounced the provisions of her husband's will so far as it relates to herself and has elected to take her legal share under the statute of the State. From a financial point of view it is said that the difference in the income of the widow will be very slight, but the reason for doing this is for the purpose of improving the Billings estate.

Mr. Billings died on Feb. 7 last. He left an estate which was estimated at that time at $2,000,000 in personal property and $300,000 in real estate. Since that estimate was made, however, property in other States belonging to the testator has been found, and the present value of the personal property is placed at $7,000,000, the increase being almost wholly in personal property.

### *PRIVATE DAVIS FROZEN TO DEATH.*

**He Was Carrying the Mail in Yellowstone Park and Gave Out.**

HELENA, Mont., Dec. 22.—John W. H. Davis, a private of Troop D, Fourth United States Cavalry, stationed at Fort Yellowstone, in the Yellowstone Park, was frozen to death on Wednesday. Davis and Charles Murphy, a soldier of the same troop, started out from the Lake Hotel on snowshoes to carry mail by way of the regular park road to the Thumb station, nineteen miles. They had travelled seven miles when Murphy gave out and turned back for the hotel. Davis pushed on toward the Thumb for about three miles, when he, too, became exhausted and gave up. Murphy got back to the station and reported his comrade lost. A searching party sent out from the station soon found the body. Davis's home was in Wilson, N. S.

### *SHE DIDN'T GET THE OFFICE.*

**Miss Elam Failed to Be Appointed a Librarian in Georgia and Took Morphine.**

ATLANTA, Ga., Dec. 22.—Miss Adah Elam, a candidate for the office of assistant librarian, upon learning that another woman had been appointed to the place, took morphine yesterday with suicidal intent and will probably die. More than 100 women have entered into the scramble for this office, which had been formerly held by Mrs. Gen. James Longstreet. Of the number Miss Elam was supposed to be in the lead, but political exigencies called for the appointment of Mrs. Milledge, the young wife of a Confederate veteran. Miss Elam declared her purpose of quitting life, as there was nothing to live for, but no one looked upon the statement as serious until she was found dying in her office in the State Capitol. She was taken to the hospital, where she still lingers.

**Policeman Rescues Four Persons at a Fire.**

In a fire caused by a lighted lamp upsetting, Peter Allamandie was badly burned in the attic at 63 James street last night before he could be rescued by Policeman Charles Schultz of the Oak street station.

Rescuer and rescued fell to a shed just below after the Italian had been hauled out of a window. The policeman also rescued a woman and two children.


You may be certain of the excellence of Ballantine's India Pale Ale when ordered at Delmonico's, Waldorf-Astoria, Manhattan, Hoffman, Marx & Jenkins, 67 Liberty st.; Holland, and Murray Hill Hotels. Bottled at brewery.—Adv.


## MOTHER KIDNAPS HER SON.

### *ERNEST WESTPHAL OUTWITTED BY HIS DIVORCED WIFE.*

**Mrs. Walter Swornsbourne, Formerly Mrs. Westphal, Takes Her Four-Year-Old Boy to Boston—The Father Pursues Them to the Grand Central Station, but Lets Them Depart**

Four-year-old Arthur Westphal, the son of Ernest Westphal, an employee of the brokerage firm of Ira A. Kip & Co. of 138 Pearl street, was forcibly taken by his divorced mother, Mrs. Viola Swornsbourne, from the residence of Dr. Henry Warner, 88A Third place, Brooklyn, yesterday afternoon.

Mr. Westphal was married to Viola Lynn in London six years ago. They came to this country three years later, and about a year ago Mr. Westphal obtained a divorce on statutory grounds, naming Walter Swornsbourne, a violinist, attached to the Boston Symphony Orchestra, as the co-respondent.

The child Arthur was awarded to the custody of its father. Mr. Westphal and his son then made their home with Dr. Warner, on Third place. Immediately after the divorce Mrs. Westphal was married to Swornsbourne in Boston.

While Dr. Warner and his wife were absent, shortly before 2 o'clock yesterday afternoon, Mrs. Swornsbourne and Emil Ranzel, a nephew of Swornsbourne, visited the house. The servant allowed them to enter the parlor on the plea that they had an engagement with Dr. Warner. While they were waiting, the boy Arthur walked through the hall, and Mrs. Swornsbourne took him in her arms and ran out of the house. The servant girl heard Arthur's screams and she gave chase. When she had reached Court street, she says, Emil Ranzel told her that she had left the front door open, and that burglars might get in the house. She hurried back, and subsequently Ranzel met Mr. Swornsbourne and the child and they boarded a Court street trolley car bound for the bridge.

Dr. Warner returned a few minutes later and at once telephoned the facts to Mr. Westphal. The latter went directly to the Grand Central Station. There he notified a detective named Rheaum of his errand, and they boarded the train that was to leave for Boston at 3 o'clock. In one of the cars Mr. Westphal found his divorced wife, his son Arthur, and Ranzel. He demanded that the child be given over to him, but the boy's mother refused. Mr. Westphal then asked the detective to arrest the woman for kidnapping the child. The detective said he would do so if Mr. Westphal produced a warrant. This he could not do, and as Mrs. Swornsbourne refused to accompany him to Police Headquarters he was compelled to leave the car as the train started for Boston.

Mr. Westphal said last night that he could not forget that the woman was the boy's mother, and that to cause her arrest would be a disgrace to the boy. He was determined, he said, to recover the boy by due process of law. In May last the mother was very ill in Boston, and she continually asked for Arthur.

Her physician said that unless she could have the boy with her, she would die. Mr. Westphal sent Arthur on to Boston, on the promise that he would return home in a week. This promise was not kept, Mr. Westphal says, and seven weeks ago he had to go on to Boston to recover the lad.

### *SUMMER RESORT THIEF OWNS UP.*

**Henry Shepard Says He Committed Burglaries on Long Island Last Summer.**

FAR ROCKAWAY, L. I., Dec. 22.—Two Long Island Railroad freight cars standing on the tracks at Lawrence were broken open and robbed on Saturday night. Henry Shepard of Inwood, who was arrested for the theft, has, according to Detective Sarvis of the railroad, confessed that he committed not only the car robbery, but all the burglaries that took place here and at Lawrence and Arverne last summer. Shepard told the detective he had pawned the stolen goods. Sarvis drove with Shepard to Inwood to get the pawn tickets, but Mrs. Shepard, the detective says, had burned all the pawntickets as soon as she learned of her husband's arrest.

Sarvis took the prisoner over to New York yesterday, and when he appeared in the court here to-day with Shepard, the detective had six gold watches, one silver watch, and a silver-mounted toilet set. The set consists of a cut glass powder box with silver top, hair brush and comb, tooth brush, and shaving brush. On the back of the shaving brush is the monogram "L. W. P." The silver watch was identified as the property of Mr. De Mott of this village. The other watches have not been identified. They are in hunting cases and two have chains attached. The numbers of the watches are 234,622, 1,190,189, 141,038, 126,846, 43,072, and 3,030,303. Shepard is 29 years old. He was arrested here last July on suspicion of having stolen some whips, but was discharged.

He says he did not have an accomplice in any of his burglaries.

### *ROW AT BLANK'S MUSIC HALL.*

**Waiters Have a Battle with Eight Obstreperous Customers.**

Eight men went into Blank's music hall at Third avenue and Thirteenth street last night, and, taking seats near the stage, began guying the performers. They howled for drinks, and, when the waiters refused to served them, threatened to clean out the hall.

When the Bernard sisters came on one of the men grabbed a companion's hat and threw it on the stage. The sisters kicked it into the wings. The owner, to get even, threw another hat after it. The second hat shared the fate of the first. In another minute all the hats were on the stage. Glasses followed. The sisters fled. This made no difference. A flower girl's whole stock was seized and tossed on the stage.

Proprietor Rubenstein appealed to the men to cease their capers. They laughed at him and broke two of his tables on the concrete floor. Then the waiters gathered en masse and charged the disturbers of the show. The howling audience egged them on. There was a terrific fight, and the waiters won. When the police arrived they had made four prisoners. The other four rioters escaped. The prisoners were taken to the East Fifth street police station. They said they were Louis Prang, cook, of 254 West Thirty-eighth street; Eugene Held, music teacher, of 203 East Fourteenth street; Max Zwetels of 279 East Twenty-fifth street, and Bruno Wolfium of 75 Third avenue. They were bailed out later.

### *WILL FIGHT KLEIN'S INJUNCTION.*

**St. Louis Labor Men Say It Means Death to Their Unions if It Stands.**

ST. LOUIS, Dec. 22.—Circuit Judge Klein's recent injunction against the strikers who had been at work on the Fullerton building has greatly exercised union labor men. The Carpenters' District Council of this city, backed by all the union organizations here, has decided to appeal from Judge Klein's ruling and take the matter to the court of last resort. M. B. Davenport, secretary of the Carpenters' Council, says that if Judge Klein's decision stands the purposes of labor unions are at an end. The injunction was directed against carpenters who declined to work with non-union men.

**The Detroit Ordered to Leave Port au Prince.**

WASHINGTON, Dec. 22.—No further trouble is expected in Hayti arising from the excited condition of the people over the forcible collection of the Lueders indemnity by Germany, and on information that things were quiet at Port au Prince the Navy Department to-day telegraphed orders to the commander of the Detroit to leave that place and cruise around the island of San Domingo and Hayti. The Detroit will visit several ports of the island to show the Stars and Stripes, which have not been seen in West Indian waters since the Cuban insurrection started. When the circuit of the island is completed the Detroit will probably return to this country.

**Mrs. Ballington Booth's Condition Unchanged.**

The condition of Mrs. Ballington Booth, who is in the Presbyterian Hospital with an aneurism of the heart, was unchanged at 1 o'clock this morning. She had rested well throughout yesterday.


Place your order for Ballantine's Brown Stout, India Pale, and Burton Ales with Marx & Jenkins, 67 Liberty st.; Park & Tilford, G. Faccini, 710 7th av., and Acker, Merrall & Condit.—Adv.


### *CLOSE CALL FOR A STAGE LOAD.*

**D., L. and W. Engine Wrecks a Coach with 25 Passengers—Fourteen Persons Hurt.**

PATERSON, N. J., Dec. 22.—A stage filled with men and women on their way home from work at the Waldridge mill at Delawanna, which is on the outskirts of Passaic, was struck and overturned by the engine of a freight train on the Delaware, Lackawanna and Western Railroad at the River road crossing about 6:30 o'clock this evening. The stage had twenty-five or thirty occupants, all of whom, except one and the driver, escaped serious injury. The stage itself was utterly wrecked, but the horses were not harmed. One of the passengers, Charles Swinkle, found himself upon the cowcatcher of the locomotive, where he remained until the train was brought to a stop, several hundred yards beyond the crossing. He was not hurt.

The stage makes its trip from the mill every night. The flagman at the River road crossing knew that the freight train was due, but he thought that the stage had plenty of time to get across the tracks ahead of it and he did not lower the gates.

The stage driver was taken to St. Mary's Hospital in Passaic. He was badly cut up, but his injuries are not dangerous. All the others went to their homes. An ambulance from Passaic came to the crossing, and Dr. Carroll of Passaic and Dr. Trotwein of Lyndhurst attended to the injured. John Feeney suffered a broken ankle and Andrew Byrnes got a bad cut over one eye. Of the other passengers these eleven were injured slightly: Hugh Torrin, Nellie Washdyke, Lena Dennis, Margaret Hitchius, Michael Ernest, Paul Joffrey, John Nixon, Samuel McAlpin, George T. Roberts, William Roberts and Harry Johnson.

### *WERE THESE HUNTERS LOST?*

**Four Men from Chicago Thought to Have Died of Exposure in Arkansas.**

LITTLE ROCK, Ark., Dec. 22.—A party of hunters, consisting of A. H. Dolphin, Sam H. Sevier, John W. Bright and W. H. Hughes from Chicago fitted out here for a big hunt up in the northwestern part of this State two weeks ago. They said they were going after big game, deer and bear, and passed through Marshal, Searcy county, early last week bound for the Boston Mountains. Word was received here to-day that a party of four men, with full hunting equipment, were found dead by the roadside in Dawes Creek bottom, Newton county, early on Monday morning, and from the description the men are believed to have been the Chicago party. It is believed they endeavored to reach the settlements this side of Dawes Creek during the blinding ice storm which prevailed last Saturday and Sunday and lost their way when within almost hailing distance of a farmhouse. They were driving a covered wagon and the mules were also frozen almost lifeless when found.

### *FITZSIMMONS'S ANKLE SPRAINED.*

**His Foot Caught Under a Door Suddenly Thrown Open by His Boy.**

CHICAGO, Dec. 22.—Robert Fitzsimmons, champion pugilist, was the victim of a singular and somewhat painful accident to-day. He had just finished taking a bath and was in his bare feet. His 4-year-old boy suddenly threw open the b