CHOATE ON TRIAL BY JURY.

HIS ADDRESS BEFORE THE AMERICAN BAR ASSOCIATION.

He First Refers to the War, Giving Expression to the National Sentiments as to Its Results, and Then Gives a History of the Zola Trial, "So Shocking to Our Sense of Justice and Right," in Order to Strengthen Our Faith in Our Jury System.

SARATOGA, Aug. 18.—The second day's session of the American Bar Association finds the 250 Judges and lawyers all well, as far as known. It is hot here, but the lawyers, some of them, are getting out their linen suits and are sitting around telling stories and are discussing in committee meetings and elsewhere many questions of deep import. By far the most interesting event of the convention was the masterly address of Mr. Joseph H. Choate, delivered this morning in Convention Hall, in which he expressed the national sentiments on the war and eulogized and defended the jury system of legal procedure. There was great professional curiosity on the part of the delegates not personally acquainted with Mr. Choate to hear him, and there was a large audience present when he was presented by the President of the association. His appearance on the stage was the signal for an outburst of applause. He said:

"We meet at a most auspicious moment. Since this association last assembled for its annual conference the nation has been engaged in a war which has absorbed all thoughts and necessarily distracted us from those peaceful purposes which annually bring us together. But now, with unexpected suddenness, at the cost of great treasure and much precious blood of our heroes, the truly noble object of the war has been accomplished and peace is already in sight. It might perhaps be expected that in accepting the very great honor of delivering the annual address provided by your constitution I should enter upon a discussion of some of those important questions which must arise out of the consequences and results of the war. It is obvious that all such questions as they arise must naturally engage the best thought and the noblest and most patriotic exertions of our profession, which has always exercised a controlling influence upon controversies about constitutional power and national policy, and to whose special keeping is intrusted the study of those principles of right and justice which must govern the conduct of nations as well as of the individuals who compose them. At all the great and critical points of our national progress the American bar has found its appropriate spokesmen for the public honor and the public safety. When Otis, against the malignant power of the British Crown, pleaded for the right of every citizen to be secure against tyranny in his person, his home and his papers, and set the ball of freedom rolling; when Henry led the friends of colonial rights in Virginia and shook the continent by the thunder of his eloquence; when Hamilton, by the main strength of his arguments, carried the Federal Constitution against a defiant majority in the New York Convention; when Webster, by his majestic speech, inculcated in the hearts of Americans that flaming spirit of nationality which saved the Union twice and will preserve it forever; when Fessenden and Trumbull sacrificed their political fortunes to rescue the great office of the President of the Federal Union from destruction—they furnished examples for the lawyers of all times to stand at all hazard for public justice and for public honor. But it seems to me that it would be out of place for us to-day to undertake to pronounce, as the organized representatives of the American bar, upon the possible, but as yet unformulated, questions in diplomacy, in policy and in public law which will naturally follow upon such a momentous struggle and such overwhelming victories by sea and land. In the meantime I prefer, as I hope you prefer, to rely upon the wisdom and the patience, the courage and the firmness, of the President and his constitutional advisers, who have conducted the campaigns of our gallant army and navy to swift and sweeping victory.

"You will remember that only two years ago, in this very presence, the Lord Chief Justice of England, in his admirable discourse before you on arbitration, declared, with your unanimous approval, that there may be even greater calamities than war, and that national dishonor is one of them. Now, nothing can be more certain than that we should have incurred real national dishonor if we had any longer refrained from intervening for the rescue of our oppressed and downtrodden neighbors. The good of battles and the judgment of the nations have completely vindicated that step, and I have no fear that any ambition for dominion or any lust of glory will bring upon us any calamity or dishonor whatever. In truth, the generous, the magnanimous terms of peace offered to our fallen and prostrate foe have already demonstrated that. The constitutional power to declare war is in Congress, but the equally important power to make peace rests with the President, subject to the subsequent approval of the Senate as to the terms of the treaty. It rests safely with him, and for one I am not in favor of intruding upon him too much outside advice and assistance. The war, of course, could not cease until every foot of American soil was purged of the last vestige of Spanish power; but in war, as in laws, the beaten party must pay the costs, and in settling the terms of peace, and meeting the novel problems and the serious and unexpected responsibilities which the triumph of our arms has imposed upon us in both hemispheres, responsibilities which we cannot shirk if we would, and would not if we could, the Government must not be held too rigidly to purposes and expectations declared before the commencement of the war, and in utter ignorance of its possible results. If that had been the rule, our fathers would never have been permitted to declare and maintain their independence, for it was only a month before the battle of Lexington that Franklin declared to Lord Chatham that he had travelled far and wide in America and had found not one man, drunk or sober, who was in favor of independence. If that had been the rule the proclamation of emancipation could never have been issued, and the shame of slavery would still blot the stars upon our flag, for at the outset nothing was more distinctly declared by Lincoln and his advisers than that slavery where it existed would not be interfered with. In war, even chance changes the situation very rapidly, and only when the end comes the work shall we truly comprehend the great questions which await us. In the meantime let us trust the President, who has our national honor most truly and wisely at heart.

"Recurring, then, to the more strictly professional objects of our meeting, and selecting a topic pertaining to the science of jurisprudence, which this association was organized to promote, I have thought that you would indulge me for a brief hour in considering a subject to which I could bring at least the results and convictions of a large experience, and which I have greatly at heart—a subject so trite that perhaps nothing new can be said about it, which has been more discussed than any other, but which yet remains a subject of ever fresh and vital interest to every American lawyer and citizen—the trial by jury. Since you last met, a thrilling event of prime importance in its relations to jurisprudence has occurred in France, which must have arrested the attention of every thoughtful observer and have led especially those sagacious theorists who have never tired of denouncing trial by jury and those experimental philosophers and legislators who are always seeking to limit or to mutilate it or tamper with it in some way or other to reconsider the matter and think once more whether we should not do better to let it alone, or only sustain and improve it so as to preserve it inviolate, as the Constitution of the United States and those of most of the States require.

"You will readily recall the main incidents of the trial of Zola. An army officer belonging to a race obnoxious to the hatred and jealousy of the French people, accused of an infamous crime, hounded by a licentious press, had been tried and convicted by a court-martial, and after the most shameful degradation had been condemned for life to solitary confinement upon a rock in the sea, eating out his heart with despair more biting than the talons of the vulture or the beak of the eagle. He protested his innocence, and scores of the best men in France declared their faith in it also, among them statesmen and officials of high rank and character, and before long it became apparent that, whether guilty or innocent, he had been condemned practically unheard, and the Government declared that reasons of State forbade that the truth should be known. It was at this point that Zola, the most notorious at least, if not the most powerful, of French writers, with a courage and a chivalry never surpassed, took up the unhappy victim's cause, proclaimed his innocence and challenged the authorities to bring himself to trial for his accusation against the court-martial, which, as he declared, had covered the illegality of the conviction of Dreyfus by the judicial crime of consciously acquitting the real criminal. The Government took up the challenge, and then followed a trial which, for reckless and cruel disregard of every principle of right and justice known to us, is surely without a precedent in modern history, and yet it purported to be a jury trial. A jury was sworn, but apparently its sole function was to register the edict of the Government, the army and the press, which demanded conviction. Of course, the defendant was presumed to be guilty until he should prove himself to be innocent, but every effort of himself and his counsel to elicit the truth was thwarted. A hostile audience, with which the courtroom was packed, was permitted to cover the accused with contumely. 'Conspuez Zola!' greeted his entrances. Invective from Court, prosecutor and witnesses took the place of evidence and of argument. There was no right of cross-examination, no law of evidence—witnesses who were summoned defiantly stayed away—those who came refused to testify further than they chose and were suffered to harangue the jury for the prisoner and against the prisoner, and "retired amid irrepressible applause." Hearsay was the main staple of the proceedings. A perfect pandemonium prevailed throughout the trial, and at the end of two weeks, as everybody had known from the beginning, the heroic defendant was convicted and sentenced, and his principal witnesses were degraded or dismissed from the public services. However satisfactory such a method of administering criminal justice may be to the French people, who cling to it through all changes of government, it could not but excite horror and disgust throughout the Anglo-Saxon world. The proceedings were read wherever Zola's fascinating romances had preceded them. Every safeguard of personal liberty enjoyed in England and America for two centuries had been violated. We could not read the account of the trial without contrasting it with our own trial by jury, or without the pious utterance from every lip, 'Thank God! I am an American.'

"Heroic Zola! It is pleasant to think of him enjoying the free air of Switzerland after all, having taken French leave of his country, instead of rotting in the dungeon to which her despotism under a republican mask would have consigned him.

"This signal event, so shocking to our sense of justice and right, has done more, I am happy to believe, than whole volumes of argument to strengthen and perpetuate our faith in our wholly different system of procedure for the ascertainment of facts on which life, liberty or property is to be brought in judgment. It will help to preserve in its integrity our precious trial by jury, by which no man can be deprived of life or liberty by the sentence of a court until his guilt has been proved beyond all reasonable doubt to the unanimous satisfaction of twelve of his fellow citizens, and no man can lose his reputation or his property by judgment of a court until by a clear preponderance of evidence his right to it has been disproved before a similar tribunal."

Mr. Choate then argued that the old-fashioned trial by jury was the best method of securing justice and the preservation of rights and liberties, and that all attempts to tamper with it should be discouraged as dangerous to the public welfare. He defended the ancient and time-honored rule of unanimity, which requires the entire vote of the twelve to render a verdict. He then said:

"I insist that the Judge who presides in the court is the keystone of the arch in the jury trial, that he must be permitted to have control of the proceedings from beginning to end, and be indeed a clear light to open the eyes of the jurors. The selection of Judges lies largely in the hands of the bar, whose members always compose by a large majority the judiciary nominating conventions of both parties. All that can be done, and all that ought to be done, in each instance is to select, with sole regard to merit and fitness, the best man that can be had for the judicial seat. I will not insist without regard to party—although I think so—but without regard to the dictation of any party machine or of any party despot. You may be Republicans or you may be Democrats, but you are lawyers and citizens first, and you owe this duty at least to your profession and your country. By common consent the American people, in all but four of the States, have long ago abandoned an appointed judiciary as inconsistent with the theory of republican institutions, and have insisted upon the election by the people of every judicial officer—but under the system of boss rule the only part the people are permitted to take in the selection of Judges is simply to choose between two candidates, each selected by an irresponsible despot who generally makes his choice for personal or party allegiance with just as much and just as little regard to merit and fitness as his own partisan necessities require or dictate. How long will the bar submit to be the instruments of such a power?

"There is one other abuse against which we can at least utter an indignant protest. I mean the toleration of judicial candidates who are willing or permitted to pay for their nomination or to pay their party for their election. No matter what their personal or professional qualifications in other respects may be, such a means of reaching the office cannot but degrade the bench. Imagine John Marshall, or James Kent, or John Jay contributing $10,000 or any other sum to his party as a condition precedent to taking office—could it have been said of either of them that the judicial ermine touched nothing less spotless than itself when it fell upon his shoulders.

The convention then took up the reports of various committees. Strange as it may seem the Committee on Grievances had none and so made no report. The Committee on Commercial Law commented favorably on the new Bankruptcy law, and the Committee on International Law commented on the advance made in international law in the war and the great part the policy of declaring coal a new contraband article of war had in crushing Spain's naval power. A New York delegate introduced the following resolution:

Resolved, That, in the judgment of the American Bar Association, it is the duty of our Government to utilize its present opportunity to secure to the people of the Philippine Islands, as far as practicable, the benefits of American civilization.

For some reason or other the association seemed ashamed of the mere suggestion of this resolution, and made haste to get rid of it by referring it, on motion of Simon Baldwin of Connecticut, to a committee "for report next year, if it is found advisable to make any."

Later in the day sections on legal education discussed ways of raising the standard of admission to the bar, and the patent lawyers held a short session. In the evening the association discussed various reports. Gen. Sickles is here telling stories to delegates from out of the State.

EX-JUDGE FULLERTON ACCUSED.

Mrs. Allen Gets Order for His Arrest on Charge of Misappropriating Funds.

Justice John S. Lambert signed an order yesterday for the arrest of ex-Judge William Fullerton of Newburg, N. Y. The application was made by James M. Kerr, a member of the law firm of Campbell & Hance of 220 Broadway, on behalf of Mrs. Agatha Allen of Plainfield, N. J. She alleges that ex-Judge Fullerton is indebted to her in the sum of $6,615.68 with interest from Dec. 24, 1881. She says that on Oct. 18, 1875, her first husband, James J. Reid, gave ex-Judge Fullerton $5,000 to invest in her name, and that subsequently other sums, amounting to $8,000, were placed in his hands for a similar purpose. She says the investments were never made, and that, allowing for the money returned to her, there is the shortage stated above. She says that she has made repeated demands for the money, and that she started the present proceedings on learning that ex-Judge Fullerton is insolvent. Counsel for Mrs. Allen asked Justice Lambert to fix the bail at $13,000, but it was put at $5,000.

A like application was made by Mrs. Allen to Justice Maddox in Brooklyn on Sept. 17 last, but it was denied on the ground that the action was barred by the statute of limitations and that the Court believed that the defendant was a responsible party. The charge of insolvency is now backed up by an affidavit of H. R. Lydecker, a Newburg lawyer.

DECLINE IN MANHATTAN.

Russell Sage Has Not Sold—Position of the Gould Holdings.

The continued decline in the stock of the Manhattan Railway Company led Russell Sage yesterday to make the following statement:

"The report that I have been selling Manhattan stock is absurd. I have not bought or sold a thousand shares of the stock in a year, until this morning, when I bought a little, believing it a good purchase at the current prices. For fifteen years I am and have been the largest individual holder of Manhattan stock, and hold to-day over 12,000 shares of the same. I do not believe Miss Helen Gould has sold a share of her holdings of Manhattan. George Gould is in Europe. What he may have done I, of course, do not know; but I do not believe that he has sold any, for if he had I should have been likely to know of it. I do know that I have not sold, all reports to the contrary notwithstanding.

"I have understood that, as a recent bull move in the securities was unsuccessful, those in charge have broken the stock for the purpose of buying back at a lower level. Frank Gould comes of age next month, when the securities purchased under Jay Gould's will will be divided. This will place a large quantity of the Gould holdings in such a position that they can be marketed without the consent of trustees. It is possible that some stock has been sold with the knowledge of this fact."

CHINAMAN'S GERMAN WIFE.

She Collects a Crowd in Front of His East Side Laundry.

Sam Sing worked apparently unconcerned last night in his laundry at 210 East Houston street while a number of policemen were busy without keeping back the crowds of people who gathered in front of the Chinaman's shop.

Sam Sing kept the laundry for two years without attracting any attention until Wednesday night, when it became noised about that he had married Annie Stubenbaker, a pretty 19-year-old German servant girl. According to the gossip, he married her four weeks ago in a joss house in Mott street.

She did not show herself to her husband's customers until Wednesday afternoon, when she sat in front of his show window. She was bedecked with highly colored finery of both American and Chinese manufacture.

The spectacle soon attracted a crowd, which again congregated last night, and it became so large that by advice of the police the bride was made to seclude herself in a rear room. The bride was plainly annoyed by the commotion she created in the neighborhood. She said that she had no relatives in this country.

TOPICS OF THE THEATRE.

News of Actresses, Some of Whom Are Important and Some Are Not.

Lillian Green, who was in burlesque and vaudeville before she married, has come out from the retirement of domesticity and is singing at Tony Pastor's. After a while she will be seen in a sketch with other actors.

Mabel Clark, one of the dancers who combined acrobatics and skirt dancing, is ill in the Catskills and she may be unable to work again. She will be remembered as one of the women who did most to reconcile spectators to the inevitable awkwardness of the athletic ballet.

Violet Dene is a sister of Clasy Fitzgerald, who has deported her wink, her brougham and her yellow bun hair to Paris. Miss Dene, who will act in "The Ballet Girl," came to this country three years ago in "The Shop Girl," and helped to accentuate the length of limb and shortness of waist which were characteristic of most of the women in that company.

Maude Courtenay appears on the roof garden of the Casino quite as she might on the piazza of a summer hotel at Asbury Park. She steps before the audience in a fluffy white gown and a white hat which suggest that she is ready to walk down to the station to see who has arrived or to ask for the afternoon mail at the Post Office. "What will she do, dressed like that?" thinks the spectator who has not read his programme. Dance she plainly cannot in such long skirts. She sings old-time war ballads strong in the suggestions of a patriotic feeling and struggle to stir elder persons who hear them, and inspiring to all. They are sung, too, in a voice and fashion far superior to the attainments of the average vaudeville vocalist.

Delia Stacey, one of the spectacular exhibits in burlesque before she grew chunky, will be added to the long list of *Julie Bon-Bons* next year, while Mamie Gilroy, whose facial traits do not suggest Irish ancestry half so strongly as her name, will try to revive Minnie Palmer's favor in "My Sweetheart."

Nance O'Neil expected to play in "Magda" last season at the Murray Hill, but that ambition was overwhelmed in the general collapse of the establishment. Now she has acted the coveted rôle in the far West, and is said to be descending on New York with the object of displacing her Lissa about Sudermann's heroine. If her methods and technique were equal to her genius, Miss O'Neil would be the greatest among the younger American actresses.

There will be no reason to complain that our actresses are not seen in the standard rôles frequently enough if they keep the promises made for them. With Maude Adams as *Juliet* and Julia Arthur as *Rosalind* the Shakespearean drama will present two interesting experiments, while Mrs. Leslie Carter as *Camille* ought to show what she can do in a rôle equal to something else than *Maryland Calvert*.

Madeleine Bouton, who was a member of a San Francisco stock company and is now said to be in a hospital there, came to New York from Nevada about ten years ago, and acted small parts in A. M. Palmer's company without exhibiting any especial talent or beauty. One summer she went to Paris, and the audience which saw her upon her return in "Lost in Paris" could not but wonder how it happened that this was the unostentatious girl who had formerly been at Wallack's. She had suddenly developed into an opulent brunette beauty and was clothed in a style that bespoke the last word in Parisian modishness. Soon after that it was noised abroad that she was engaged to marry an expatriated nobleman living in this city, and that report has been laboriously repeated ever since.

No musician of as much reputation has played in the continuous theatres here as Camilla Urso, unless she was Regnery. But Mme. Urso, probably the best known of living women violinists, is to be heard on the variety stage next winter. The high salaries and regular employment are more satisfactory than the dignity of occasional concerts, appearances for which have sometimes resulted in every year by artists who are not absolutely new. The public likes novelty as much in the concert room as in other places.

Eleonora Duse is to play in Paris next February. Sarah Bernhardt has named her new play, by Catulle Mendès, "The Queen of Cleve." Coquelin's next piece will be "The Adventurer," by the same author.

Edwin A. Abbey will design the costumes and scenery for Henry Irving's production of "Richard II.," and a symphonic accompaniment will be composed by Sir Alexander Mackenzie.

Virginia Harned is said to have a good rôle in the play which E. H. Sothern has produced in Philadelphia called "A Shilling's Worth," by Grace Furniss and Abby Sage Richardson. It is a romantic story laid here in 1776, and most of its scenes are laid in the old Remsen house, which stood until 1874 on the East River, not far from the New York end of the Brooklyn Bridge. The young owner of this mansion returns after several years of wandering and finds that his cousin to whom he is betrothed, has just married a man of wealth and title. In his indignation at her faithlessness, he weds the first girl he meets. This happens to be a country maiden who has strayed into town to see the sights. She is also Miss Harned, and when the time comes she has been married only out of pique she tearfully leaves her suddenly acquired husband. His fickle cousin becomes a widow, has the hero arrested as a spy, and puts the blame of it on his wife. But these troubles disappear in the final happiness of all concerned.

STOLE THREE BAD QUARTERS.

Coins Found on One of the Burglars Inclosed in a Potato.

Joseph Hraby's saloon, at 1353 First avenue, was entered by burglars on Tuesday night and a quantity of liquors was stolen. Three bad quarters, which the saloon keeper had in the money drawer, were also taken. One of the quarters was a Canadian coin, and had the letter C stamped in it.

The saloon keeper reported the matter to the police, and added that two Bohemians, Frank Celler of 431 East Seventieth street and Joseph Souhrada, who lives at 1339 Avenue A, had loitered about his place on Tuesday night.

Detective Stransky of the Central Office arrested the Bohemians on Wednesday night and arraigned them in the Yorkville Court yesterday. He informed Magistrate Cornell that the prisoners were ex-convicts, and producing a potato he placed it before the Magistrate and said:

"I found this in Souhrada's pocket, and it seems to prove that the men were the burglars who entered Hraby's place."

The Magistrate said he couldn't see the connection between a potato and a burglary.

The detective explained that the tuber could be pulled in halves.

The Magistrate pulled on the potato until the halves of which separated and disclosed three coins. One of them was a Canadian quarter and had the letter C stamped in it.

The detective said that Hraby had recognized the coin as his property.

"The action of potato juice is to make counterfeit coin look like genuine money," continued the detective. "It's an old trick for crooks to brighten bogus coins that way."

Souhrada denied that he had broken into the saloon. He said he had got the coins while playing craps with some men he met on the street.

The prisoners were held in $1,000 bail each for examination.

STREETWALKERS' ARRESTS.

They Cost $25 Each if the Prisoner Is Not of Frugal Mind.

Robert W. Layton, an agent from the Immigration Commissioner's office, visited the West Fifty-fourth Street Police Court yesterday in search of information relative to the alleged padrone system by which French women are brought to this city and colonized in the Tenderloin to recruit the ranks of streetwalkers.

There were only four of these women arraigned before Magistrate Simms yesterday. The charge against them was disorderly conduct, and they were fined $50 each.

That is the customary fine for a woman employs one of the police court lawyers who hang about the corridor waiting for them to come in. The lawyer's fee as a rule is $10 more, and on the night of the woman's arrest ordinarily she pays $5 to a Seventh avenue saloon keeper for furnishing a station house bond, making the total cost for one arrest $25.

If a woman stays in a cell all night and thus saves the bondsman's fee, and then succeeds in evading the lawyer in court, she usually gets off with a $5 fine if it is her first offence.

The fines paid by these women, the majority of whom are French, for the month of July amounted to about $800.

STABBED A SAILOR AT SANTIAGO.

William Brennan, Fireman on Transport No. 5, Let Go in This City.

While the steamship Gate City, known as United States transport No. 5, was in the harbor of Santiago on July 21, William Brennan, a fireman, stabbed Andrew Anderson, a sailor, five times in the back and once in the face. He was brought to this port in irons, and yesterday was arraigned in the Jefferson Market Police Court. The City Magistrate sent Brennan to the United States authorities in the Federal building. While awaiting arraignment before a Commissioner, Brennan had a talk with Anderson in the office of Assistant United States District Attorney Houghton. The two men came to an amicable agreement and Brennan was discharged, the complaint against him being withdrawn.

TINWARE TRUST ASSIGNS.

LIABILITIES $300,000 AND NOMINAL ASSETS $500,000.

Three of the Five Original Members Had Withdrawn and the Concern No Longer Controlled Prices—It Had to Rebuild a Burned Factory and It Was Short of Cash to Meet Maturing Obligations.

The Central Stamping Company, manufacturer of tinware and sheet metal articles, whose office is at 25 Cliff street, with factories at Hewes and South Second streets, Brooklyn, and 573 Ferry street, Newark, N. J., made an assignment yesterday to Alfred R. Turner, Jr., of Paterson, N. J. The deed was signed by John H. Sprague, President, and George W. Ketcham, Secretary. Enoch W. Ketcham was Treasurer and Walter M. Aikman Vice-President.

The company was originally organized in December, 1884, with a capital stock of $500,000, absorbed five of the largest concerns in the tinware trade in the country, and was known as the Tinware Trust. The concerns absorbed were Lalance & Grosjean and Frederick Haberman & Co., of this city, E. Ketcham & Co. of Brooklyn, James Aikman & Co. of Newark, and the St. Louis Stamping Company. *Bradstreet's* reports state that when the consolidation took place the factories and equipment of the five firms were leased to the company for ten years at a rental of $15,000 a year each. During the ten years the company did a very large and prosperous business and reported a large surplus. At the expiration of the ten years there was a disruption of the relations between those in the company, and Lalance & Grosjean and the St. Louis Stamping Company withdrew and were followed by Frederick Haberman & Co. The stock of the retiring members was purchased by the other stockholders.

The old company was involved in considerable litigation, its charter was attacked by some of the disappointed stockholders, and the company was finally reorganized and reincorporated on June 1, 1895, with a capital stock of $400,000. In August, 1895, the company met with a serious setback by the destruction by fire of the Newark factory, and it was obliged to buy part of its goods manufactured by outsiders. The factory was rebuilt and made one of the best of its kind in the country. This required the outlay of a large amount of money, and the company took advantage of the good nature of a few creditors.

But the company no longer had a monopoly of the business. It had to meet the strongest kind of competition and it could not dictate prices. Albert H. Gleason of Hastings & Gleason, attorneys for the assignee, said yesterday that the assignment was unexpected and had been decided upon very suddenly. The large investments in the business and plants had deprived the company of ready money, and it could not meet obligations which were about maturing. Competition had been very sharp in the past few years. There were also interests of different estates in the company, and after careful consideration the directors had concluded that it was for the best interests of the stockholders and creditors that the company should go into liquidation. Mr. Gleason said that it is practically a liquidation, although it takes the form of an assignment to prevent any one creditor getting advantage over another. The company's paper is maturing all the time, and some notes are coming due now. A meeting of creditors will be held on Tuesday next, and the assignee will act on whatever the creditors deem best as to the future conduct of the business. The liabilities are between $270,000 and $300,000, one-third for merchandise, one-third for bank discounts, and one-third for loans to the company. The nominal assets are over $500,000 in machinery, plant, materials, merchandise, and accounts. The company owns no real estate.

Other Business Troubles.

Deputy Sheriff Sullivan received yesterday two executions against Samuel J. Taylor, wool puller, of 609 and 611 West Forty-eighth street, in favor of Augusta Werrick for $6,089 and Joseph F. Kesseler for $5,396, all on notes. Taylor allowed judgment on both claims.

Judgment for $64,186 was entered yesterday against the Harney Peak Tin Mining, Milling and Manufacturing Company of 30 Broad street, in favor of the executors of the estate of William Remsen, for the amount now due on seventeen notes of the company made in 1893 and 1894, which were found among the assets of Mr. Remsen.

TO PURIFY CONEY ISLAND.

Magistrate William Kramer Issues Orders for the Raiding of Certain Resorts.

Magistrate William Kramer, who is presiding at the Coney Island Police Court, made a personal tour of the island on Wednesday night. He said yesterday that what he saw in several places was worse than anything tolerated in the wickedest New York dives. He added: "I have issued orders to the police to gather in not only the performers, but the managers and proprietors of all halls and places where there are immoral dances."

Police Captain Dunn, who is in charge of the Coney Island precinct, said: "This talk of Magistrate Kramer is bosh. If I raided one place on the island I would have to raid them all. They are all the same. I can't see any difference in them."

As a result of Justice Cramer's investigations the Pickwick, a notorious place, was raided last night, and the proprietors, John Hill and Hugh Hawkins, were arrested and locked up.

For the first time in its history the island was disinfected yesterday by the Department of Health. The disinfecting was under the supervision of Dr. Brown, Sanitary Superintendent of the borough of Brooklyn, and cartloads of chloride of lime were sprinkled along the Bowery, Surf avenue, and all the other walks.

COULDN'T SAVE HER FURNITURE.

Mrs. Holm Intimidates an Installment House Driver with Three Shots.

Henry Ahlert of 33 East Thirty-third street went to the house of Mrs. Othelia Holm, 38 Beach street, Stapleton, S. I., yesterday to remove some furniture which had been bought on the installment plan and on which there was due $98. Her husband had paid $104 on the furniture. He is now in Germany on business. Mrs. Holm asked the driver not to take the furniture, saying she would send the money to the installment house as soon as she could get it from her husband. Ahlert had put nearly all the furniture on the wagon, when Mrs. Holm got a pistol and fired three shots. Ahlert left the house. Police Captain Blake, who was passing, arrested Mrs. Holm. Ahlert would make no complaint against her, as he was not certain whether she had shot at him. Ahlert returned to the woman's house, loaded all the furniture and drove away.

AIMED AT WIFE; SHOT HUSBAND.

An Italian Boy Accuses His Father of Murdering a Neighbor.

Francesco Bolinetto, an Italian, was shot and killed while standing in front of his home in Ocean avenue, Ozone Park, L. I., on Sunday night. The only man in sight at the time, Giuseppe Miele, a deaf and dumb Italian, was arrested. Carlo Casale, 10 years old, who lives next door to Bolinetto, declared yesterday that his father, Francesco Casale, fired the shot. The boy says that he was standing on the stoop in front of his home with his father when the latter drew a revolver and aimed at Mrs. Bolinetto. Carlo says his father had a grudge against the woman and wanted to kill her. According to the boy, Mrs. Bolinetto moved aside as Casale fired and the bullet struck Bolinetto. Casale has been missing since the murder. The boy was induced to tell his story to the police through the efforts of the father and uncle of the deaf mute prisoner.

OREGON NAVIGATION DIRECTORS.

Ticket to Be Voted For at the Coming Election Agreed Upon Yesterday.

At the meeting of the holders of the voting trust certificates representing the stock of the Oregon Railroad and Navigation Company yesterday the following ticket was agreed upon to be voted for directors at the annual meeting in Portland on Sept. 1: A. L. Mohler, H. W. Corbett, W. B. Ayer, W. W. Cotton, William Mackintosh, Henry Failing, C. M. Ladd and A. L. Mills of Portland, Ore.; Miles C. Moore of Walla Walla, Wash.; William L. Bull, Henry W. Cannon, Daniel S. Lamont and Edward H. Harriman of New York; C. S. Mellen of St. Paul, Minn., and Samuel Carr of Boston, Mass.

Lesson of Dewey's Tars to Tobacco Chewers.

The Cigarmakers' Union announced yesterday that Admiral Dewey's sailors chewed union-made tobacco. This fact is to be used as an argument to convince members of trades unions who chew tobacco that they should restrict themselves to union tobacco. It was said yesterday that the practice of chewing tobacco is on the decline among members of trades unions.

ATTEMPT TO SWINDLE.

Man Who Undertook to Recover Bodies of La Bourgogne Victims.

PHILADELPHIA, Aug. 18.—Mrs. Peter Barrett, the widow of one of the victims of the French steamer Bourgogne, was called upon a few days ago by a man representing himself as Arthur Bateman of the Stock Exchange firm of Green & Bateman of New York. He said he was a brother-in-law of John Perry of New York and an intimate personal acquaintance of Judge Dillon, both of whom had relatives lost on the Bourgogne, and who fitted up the yacht Hiawatha to search the ocean in the locality of the disaster for the bodies of victims.

He said that Peter Barrett's body had been recovered by the Hiawatha, but had been moored at sea. He said the reason the body was moored was there were not sufficient caskets to carry those bodies that were found. He made a proposition to Mrs. Barrett to contribute to the expense of another expedition similar to that of the Hiawatha to search for the body of her husband and the bodies of other victims. He said that he knew the exact longitude and latitude where her husband's body and those of other victims would be found. His purpose was to fit out an immediate expedition. He said that Judge Dillon of New York had authorized him to call on Mrs. Barrett with this proposition and also upon the relatives of other victims.

Mrs. Barrett gave her immediate acquiescence with the plan, and asked the visitor to go to her brother-in-law, Dr. Edward H. Green, 302 North Tenth street, who could make the money arrangements for her. Before the man called on Dr. Green, Mrs. Barrett went herself and told the story. Dr. Green communicated with C. M. Clay, 195 Broadway, New York, who is associated with Judge Dillon, receiving a prompt answer that the alleged Bateman was unknown.

The man called on Dr. Green yesterday, and instead of having him at once arrested, the doctor asked him to explain the proposition in detail. When Judge Dillon's name was mentioned Dr. Green showed the stranger the letter from C. M. Clay, pronouncing him an imposter. The stranger caught up his hat quickly and fled. He is described as five feet seven inches high, of slender build, thin face, with large cheek bones, and light sandy mustache. He wore a dark serge coat, gray trousers, tan shoes and a yachting cap of crash. The local police are watching for him.

HIGHWAYMEN AWHEEL.

How They Held Up the Shindlers on Pompton Turnpike and Got $550.

BLOOMFIELD, N. J., Aug. 18.—A man and woman who said that they were Mr. and Mrs. Edward Shindler entered the office of Justice J. G. Post this morning and declared that they had been robbed of $550 near Pompton by highwaymen, mounted on bicycles. They said they had owned a store at Monticello, N. Y., which they sold recently. They intended to join a son in the West and invest in farm lands. When they left Monticello they put $550 in a satchel and Mrs. Shindler sewed $1,500 in her skirt.

The couple say they came to Paterson on Tuesday, where they stayed until last night about 7 o'clock, when they left for Newark in a carriage, intending to deposit about $2,000 in a Newark bank to-day. Outside the Paterson city limits Mr. Shindler asked a passing wheelman the way to Newark, and the wheelman directed the couple toward Pompton. On the turnpike, within a mile of Pompton, the rig was stopped by two bicycle riders, one of whom wore a woman's dress. The rider who was unmistakably a man jumped from his wheel and drew a revolver. His companion did not dismount, but came close alongside the carriage, pointed a revolver at Mrs. Shindler, and in a strong masculine voice said:

"Hand out that satchel with the money."

Mrs. Shindler hesitated a moment and then handed the satchel to the highwayman, who jumped into the road, broke the lock with a stone, took out the money, and threw the satchel back into the carriage. The highwaymen then mounted their wheels and rode swiftly away.

Mr. and Mrs. Shindler drove to the nearest house, the home of John Ryerson. After Ryerson had heard the story he got on his horse and started down the turnpike after the thieves. He lost trace of them at Montclair. Ryerson advised the Shindler to go to a Justice and make known their loss.

Shindler says he is sure that the man who told him to stop was the bicycle rider who sent him on the wrong road. He is also certain that the rider in female dress is a man. Justice Post promised the Shindlers to do all he could to find the thieves.

THE "BREAKERS" OPENED.

Cornelius Vanderbilt Gives a Dinner Dance in Honor of His Son Alfred.

NEWPORT, R. I., Aug. 18.—For the first time since Aug. 25, 1895, the "Breakers," the palatial villa of Mr. Cornelius Vanderbilt, was the scene to-night of a happy gathering of young people. Three years ago it was the scene of the marriage of Miss Gertrude Vanderbilt to Harry Payne Whitney. To-night the occasion was a dinner dance given in honor of Mr. Alfred Vanderbilt, the son. It was the first large dance ever given at the "Breakers," and the large halls and ballroom were resplendent with flowers and palms. The dinner was for young people, at which the following were present: Mr. and Mrs. Harry Payne Whitney, Miss Winthrop, H. R. Winthrop, R. W. Goelet, James A. Stillman, Miss Brooks, Reginald Brooks, Potter Palmer, Jr., Honore Palmer, Miss Julia Grant, Miss Evelyn Burden, I. T. Burden, Jr., William Burden, Reginald Vanderbilt, Miss Gray, Harry Gray, the Misses Whitehouse, W. F. Whitehouse, Jr., George Griswald, H. R. Taylor, Miss Eustis, the Misses Wetmore, W. S. K. Wetmore, Miss Elsie French, R. L. Gerry, Peter Gerry, Miss Clapp, Miss Whiting, and Willing Spencer.

Following the dinner a large number of cottagers came in, in all about 125, and at 11 the dance began. The terrace facing the cliff was illuminated and used for smoking and the promenade. The cotillion was led by Worthington Whitehouse, the favors being parasols, brownies, paper racks, canes which opened, shower writing tablets, engagement pads, match boxes, pencils, telephone slates, gold-top smelling bottles, flower baskets, dolls, ink wells, sachets and Chinamen. Many of the favors were imported and hand painted. It was without doubt the most brilliant social event of the season, and marked Mrs. Vanderbilt's resumption of entertaining.

Other social events of the day were luncheons given by Mrs. G. H. Warren, Mr. G. De Forest Danielson, Mrs. Charles M. Oelrichs, and Mrs. W. F. Fitz Hugh Whitehouse, and dinners to-night given by Mrs. Henry Clews, Mrs. John Cadwalader, Mrs. E. T. Stotesbury, Mrs. E. S. Willing, Mrs. Potter Palmer and Mrs. E. D. Bolt.

POISONED CANDY MYSTERY.

Delaware Authorities Trying to Find Who Killed Mrs. Dunning and Sister.

WILMINGTON, Del., Aug. 18.—The State authorities have begun work in earnest to discover the sender of the box of poisoned candy to Mrs. J. P. Dunning of Dover. The Governor has offered a reward of $2,000 for the arrest and conviction of the poisoner, and Attorney-General White is directing his entire time and energy to unravelling the mystery. A telegram from San Francisco has been received by the father of the two women who lost their lives, but its contents have not been made public. It is believed that as soon as John P. Dunning, husband of one of the victims, reaches home from Porto Rico he may be able to throw some light on the matter and assist the authorities.

INTENDED TO BLOW UP THE TOWN.

An Alleged Dark Plot by Chinese Nipped in the Bud.

VANCOUVER, B. C., Aug. 18.—Thousands of Chinese work in the canneries at the fishing town of Steveston, B. C. During the light fishing season Steveston at night is a gambling hell and opium den. Magistrate Pearson determined to suppress the gambling and fined the Chinese heavily and closed up their clubs.

In revenge the Chinese undermined the principal buildings in the city and placing powder kegs in position had attached fuses and were waiting for midnight to blow the town to pieces when the plot was discovered. Special police are protecting the Chinese from being mobbed.

American Day at Asbury Park.

ASBURY PARK, N. J., Aug. 18.—The Junior Order of United American Mechanics celebrated American Day in Asbury Park to-day. Ten thousand members of the order in the State were present. Gov. Voorhees, Adjt.-Gen. Stryker, Col. Alexander C. Oliphant, Capt. Butler and Major Chambers reviewed the parade, which was witnessed by 50,000 people.

Lost Union Pacific Stock Found.

The 1,000 shares of Union Pacific preferred stock standing in the name of William Rockefeller, the loss of which was announced on Tuesday, have been found and returned to the owner. The stock is worth $93,750.

THERE'S PETTIT IS FOUND.

Lawyer Robinson Hears That He's at His Father's Home Near Chicago.

The offer of a reward of $1,000 for information concerning the whereabouts of John Pettit has brought no end of amateur detectives to Lawyer Robinson's office in the Bennett building. The peculiar