MRS. CODY ON THE STAND.

THE DEFENCE OPENS IN THE GOULD BLACKMAILING CASE.

Mrs. Cody Declares That Mrs. Angell Told Her That She Was Married to Jason Gould, and Presents an Affidavit from a Servant in the Family of the Officiating Minister Who Says She Was Present.

ALBANY, Dec. 1.—This was the third day of the trial of Mrs. Margaret E. Cody of Denver, on the charge of blackmail preferred by the Gould heirs, and it was devoted to the introduction of evidence for the defence. Mrs. Cody was on the stand nearly all of the day and will continue her testimony to-morrow. It is expected that the case will go to the jury late to-morrow afternoon. Miss Helen M. Gould was present, and as usual was busily engaged in taking notes during the trial. She evinces many of the business characteristics of her father, and her manner indicates that she means to be successful in running down and punishing those who conspired to dishonor his family name.

When the court opened this morning Newton B. Vanderzee of counsel for the defence outlined the evidence that was to be presented, and said it would be proven that Mrs. Cody had been interested in the Gould case on a purely business basis, and that she had acted under instructions from Mrs. Pierce to help find her mother, Mrs. Angell, and that the latter had bargained with Mrs. Cody to secure her alleged rights in the Gould estate. Mr. Vanderzee caused some surprise when he said:

"Among the prominent people who know Mrs. Cody is Senator Teller of Colorado. He knows her well and as an honest woman. If he can or does appear here to-day he will tell you that Mrs. Cody is an honest woman and would harm nobody."

He then said that Mrs. Angell had frequently told Mrs. Cody she had been married to Jason Gould and claimed that Mrs. Cody had acted in good faith all the way through. He denied that she had engineered any scheme to defraud the Gould heirs. He asserted that Jay Gould during his lifetime had known of the story of his alleged early marriage, but had never paid any attention to it. He denied that the letters Mrs. Cody had written to the Goulds, on which the indictments were based, could be construed as an attempt at blackmail. He reviewed the connection of Attorneys William McMurtrie, Speer and Amasa J. Parker and others with the case, and declared that they, as well as Mrs. Cody, had been told by Mrs. Angell that she had been married to Jason Gould in 1851.

The defence then called Egbert C. Everest, the District Attorney of Clinton county. Mr. Everest identified an affidavit acknowledged before him in July, 1896, by Mrs. Angell, who swore that she was Jay Gould's wife. The prosecution then offered in evidence an affidavit sworn to by Mrs. Angell in September, 1897, in which she declared she had never married Jay Gould.

Mrs. Margaret E. Cody, the defendant, then took the stand. She testified as follows:

"I was born in Canada, but have lived in Oswego in this State for many years. I have resided and at present live in Denver, in the West. My first husband's name was Goodnow, and I afterward married Mr. Cody and lived in St. Louis. I secured a divorce from Mr. Goodnow in Oswego. I was considered a wealthy woman twenty years ago, but lost all my money."

Mrs. Cody then told how she became interested in the Gould case, first seeing a reference to it in a newspaper in 1884. She looked up Mrs. Pierce, who was mentioned in the article. Mr. Pierce told Mrs. Cody that his wife was the oldest daughter of Jay Gould. Mrs. Cody identified the newspaper clipping mentioning the alleged fact of Jay Gould's early marriage, which was published in 1884. She said that this was the first knowledge she had of the matter, and that she immediately communicated with Mrs. Pierce of Rock Springs, Wyo. Cody then identified a number of letters written to her by Mrs. Pierce asking her to find her mother and to establish her right to a portion of the Gould estate. Mrs. Cody says she was employed by Mrs. Pierce to secure the proof that she was Jay Gould's daughter.

The letters were admitted in evidence despite the objection of Mr. Nicoll. Mr. Dugan said their object was to show that Mrs. Cody was acting in pursuance of instructions from Mrs. Pierce.

Mrs. Cody then told of her visit to the home of Mrs. Angell, when the latter, she alleged, told her that in 1853, at Champlain, she had been married by the Rev. Mr. Layton to Jason Gould. The witness said she had introduced herself to Mrs. Angell and had told her she had been in correspondence with Mrs. Pierce for eight months. Mrs. Angell appeared to be much pleased to hear from her daughter, of whom she had not had news in fifteen years. Mrs. Cody went back to the village and got Mrs. Pierce's letters and read them to Mrs. Angell. Mrs. Angell, she said, then told her of the circumstances of her marriage to Gould. She was a girl of 15 years at the time. They went to housekeeping nearby, but Gould ill-treated her, and after a few months deserted her. She saw him once when he brought her a bundle of clothes and a little silver money when her child was born, but after this visit she never saw him again. She then moved to Canada, and her child was bound over to a man of the name of Morton.

Mrs. Cody said she then told Mrs. Angell of the death of Jay Gould and his leaving a large amount of money. Mrs. Angell said she did not know anything of Gould. She could not read or write and had heard little from the newspapers. Witness said she then told Mrs. Angell how if Gould had never been divorced from her she was entitled to a dower right in the estate. Mrs. Cody tried to find out if Mrs. Angell was sure Gould was the man who had been her husband. She said Jason Gould was the only man of the name she had ever heard of. Mrs. Angell then said she and Mrs. Angell had bargained about securing the dower interest. Mrs. Angell had offered to give her half of all the money she could secure for her. Mrs. Cody then had the papers drawn by Mr. Stearns.

Afterward Mrs. Cody met Attorney Speer and A. J. Parker, Jr., of Albany, and they made arrangements by which they were engaged to act for her in securing Mrs. Angell's dower rights. Speer had offered her $1,500 to pay her travelling expenses. Mrs. Cody said she then tried to find the Rev. Mr. Layton, the minister who was alleged to have performed the marriage, and Mary Ann Shields, the servant who, Mrs. Angell had told her, had witnessed her marriage. She went first to the church records, but there was no record of the marriage to be found. She made further inquiries and Mrs. Cogan told her of the Rev. Mr. Layton, who had been in the village about the year 1853. She wrote to him and received a reply.

The letter was read to the jury by Mr. Dugan. The Rev. Mr. Layton said he was sorry he had no record of the marriage with Gould. He had not always kept a private record. He had been pastor of the church in 1853 and had never been absent that year, and if Mrs. Angell said he had married her to Gould his memory was doubtless correct.

At the afternoon session Mrs. Cody resumed the stand, and when P. C. Dugan, her attorney, presented an affidavit of Mary Ann Shields, who was a domestic in the household of the minister who it is claimed performed the alleged marriage between Jay Gould and Mrs. Angell, there was a stir among the lawyers. In her affidavit, dated June 22, 1895, the Shields woman swears that she was a witness of the Gould-Angell alleged marriage on April 11, 1853, at the parsonage in Champlain, Clinton county, and that the couple afterward lived together as man and wife. A number of letters written to Mrs. Cody by the Rev. Mr. Layton, who, it is alleged, performed the marriage ceremony, and from Mr. and Mrs. Pierce and others were read, with a view of showing that Mrs. Cody had been acting in good faith in the Gould matter and under orders from Mrs. Pierce.

Mrs. Cody testified that her attorney, Amasa J. Parker, Jr., of Albany, offered to pay her living and travelling expenses while she was engaged in seeking evidence. She and Mr. Parker had some disagreement and she engaged other counsel. She first saw Mrs. Pierce in June, 1897, at Rock Springs, Wyo., though they had corresponded for a long time previously. Two letters from Mr. and Mrs. Angell were read to the jury, one of them complaining of the inactivity of Messrs. Parker and Speer, the attorneys in the case. Mrs. Cody admitted writing the two letters on which she was indicted, one addressed to George J. Gould and the other to Miss Helen M. Gould.

Mr. Dugan—You said in that letter to Mr. Gould that you were the person who had unearthed his father's first wife. What did you mean by that?

—Why, that I had found Mrs. Angell."

—You also said in that letter that you intended to go home to Denver from Albany, and that without you they (the Angells) could do nothing. What did you mean by that?"

—Why, that the power of attorney was vested in me," replied Mrs. Cody.

Regarding the statement that she was trying to secrete the Angells, Mrs. Cody said that Mr. Parker wrote her to bring the Angells to Albany, where he would find a place for them in the country, so that the newspaper men and detectives would not bother them.

De Lancey Nicoll, of counsel for the Goulds, took the witness in hand and succeeded in making her very nervous. Mr. Nicoll tried to get Mrs. Cody to identify as her own a letter to George J. Gould written backhand and mailed from Oswego. She denied that she ever heard of such a letter until it was produced in court. Mr. Nicoll tried to refresh the witness's memory by reading abstracts from the letter, when Mrs. Cody became very much excited, and, pounding the railing about the witness chair with her clinched fist, exclaimed: "I'll die first before I'll tell an untruth, and neither you nor any other living person can impel me to speak naught but the truth."

Mr. Nicoll attempted to draw from Mrs. Cody something about her business career, she having stated that she was worth considerable money at one time, and her answers were quite amusing. She mentioned the name of a dry goods firm she had driven to bankruptcy by her shrewdness, and Mr. Nicoll wanted to show how it was done. Mrs. Cody, with a disgusted look, blurted out, "Do you know anything about the dry goods business?" [Laughter.]

"You had a great reputation as a business woman?" said Mr. Nicoll.

"I never inquired about my reputation, but I was always honest," she replied. "I helped make Denver the great business centre that it is to-day."

In answer to a question of Mr. Nicoll, if she was ever in charge of an estate, Mrs. Cody said that she had been in charge of one.

"What then?" Mr. Nicoll asked.

"What then?" repeated Mrs. Cody. "There was lots then. Why the lawyers robbed the estate right and left."

Then Mr. Nicoll asked Mrs. Cody if she was in the habit of offering her services to people who had claims against estates, and she replied that she was not.

Mrs. Cody had been on the stand all the afternoon, and for a woman of her age stood the ordeal remarkably well. At 5 o'clock, however, Judge Gregory interrupted Mr. Nicoll in his examination of the witness, saying that he would adjourn the court until morning, as Mrs. Cody had been on the stand for four hours and the strain was beginning to tell.

PIERREPONT'S UNTIMELY CALL.

Went to See Mrs. Pouchez at 1 A. M. and Locked Out Her Husband.

Henry P. Pierrepont, a medical student of 116 East Twenty-fifth street, was arraigned in the Yorkville Court yesterday charged with invading the rooms of the Pouchezes at 101 Lexington avenue at 1 o'clock yesterday morning.

Mrs. Ella Pouchez told Magistrate Meade that the young man entered her rooms during the temporary absence of her husband and sought to make love to her despite her remonstrances.

She ordered him out, but he would not go until a policeman entered and arrested him. She assured the Magistrate that she didn't think Pierrepont meant any harm, and said she understood that he was a worthy young man but somewhat erratic.

M. Lawrence Pouchez, her husband, who is a Fifth avenue tailor, said he had good reason to be angry with Pierrepont.

"He annoyed me very much some time ago by his attentions to my wife," he said. "I did not like it, and after a scene I left my wife."

"You were unjustly jealous, as you acknowledged afterward," Mrs. Pouchez interrupted.

"I thought so then," continued the husband, "so we became reconciled, and a week ago we went to live together again at our present address."

Mr. Pouchez said he heard the bell ring at 1 o'clock yesterday morning and jumped out of bed, as he had a suspicion of trouble. He went into the hallway in his nightrobe, leaving the door open and ordered his wife not to close it.

While he was in the hall Pierrepont entered his rooms, and, closing the door, locked it.

"I knocked on the door," he said, "and ordered him to open it, but he would not do so. Just think of it, Judge, a husband shut out of his own house and made to stand shivering in the cold hallway."

He said he vainly tried for fifteen minutes to get in, and when he heard his wife screaming inside he went to the street door and called a policeman.

"What have you to say?" asked Magistrate Meade of the prisoner.

"I am incapable of doing any wrong," he answered. "I must deny that I was in the rooms of these people. I don't know what it means."

The Magistrate fined him $10 for disorderly conduct.

SHE CONDONED THE OFFENCE.

Mrs. Laura W. Merrill's Divorce Suit Against Her Husband Comes to a Sudden End.

The trial of Mrs. Laura W. Merrill's suit for absolute divorce against Frank O. Merrill was abruptly ended yesterday by Supreme Court Justice Maddox, in Brooklyn. Mrs. Merrill is a daughter of Sylvester G. Whitson, President of the Worcester Salt Company. She named Alice Johnson as co-respondent, and testified that in 1895 Mr. Johnson informed her that he had named her husband as the co-respondent in a suit for absolute divorce Johnson had begun against his wife. Mrs. Merrill then referred the matter to her brother-in-law, and continued to live with her husband up to Sept. 2, when the summons and complaint were served on him.

In answer to a question by Justice Maddox, Mrs. Merrill said: "Until the moment my brother-in-law brought the summons and complaint into the house for verification, I did not even know that there was any absolute proof against my husband. I bade him good-by in the morning in the usual manner. I did not know that a lawyer had been engaged for me."

F. A. Johnson of 328 Clifton place said he called at 144 Decatur street in 1895 and saw Merrill, who admitted that a card and a photograph found by the witness in Mrs. Johnson's possession belonged to him (Merrill). Witness said that Merrill subsequently confessed his guilt.

Lawyer Griffin, counsel for Mrs. Merrill, then took the stand and was asked if he had not obtained information from the defendant under the seal of secrecy, and had promised as a Mason not to divulge it. Griffin said he had not given any pledge.

"You are a liar!" said Merrill.

Justice Maddox ordered Merrill to apologize to the Court and also to the witness.

"Well, I apologize," said Mr. Merrill, faintly.

The defendant denied all the allegations, and then his counsel moved that the complaint be dismissed on the ground that if an offence had been committed Mrs. Merrill had condoned it by staying in the same house with her husband up to Sept. 2, the day the papers were served. Justice Maddox granted the motion.

NEW YORK'S WANING COMMERCE.

Dock Commissioners Tell How They Think It Can Be Revived.

The State Commerce Commission, which is trying to find out why the commerce of New York city has fallen off, had President J. Sergeant Cram, Commissioner Peter F. Meyer, and Chief Engineer J. A. Bensell of the Dock Department before it in the Governor's Room at the City Hall yesterday. All of them advocated an extensive system of dock improvements on the East and North rivers, and the construction of railroad terminals where freight could be easily received and handled. President Cram and Commissioner Meyer explained the dock improvements now being made on the North River. Mr. Meyer said he thought that to give freight handlers special privileges in the marginal street west of West street, between Gansevoort Market and Twenty-third street, was robbing the public.

"We'll take care of that kind of robbery," said Andrew H. Green, one of the Commissioners.

"What's that you said?" demanded Mr. Meyer, spiritedly.

"Nothing of importance," said Mr. Green.

"I think I have a right to know," said Mr. Meyer. He didn't find out.

Mr. Meyer said that in his opinion the west side improvements would raise the value of property in that vicinity about 100 per cent. He was asked to give more definite figures, but refused, saying that he was a real estate expert and the figures were his private business.

PRIVATE PROPERTY ON THE SEAS.

The Chamber of Commerce Wants It Made Free from Capture in Time of War.

The Chamber of Commerce at its regular monthly meeting yesterday adopted a memorial to the President of the United States urging him to convene an international congress at Washington to consider the question of making private property on the sea free from capture in time of war. The memorial, which was accompanied by a resolution instructing the Secretary of the Chamber to urge other like organizations to address President McKinley on this subject, was prepared by the Chamber's Committee on Foreign Commerce and the Revenue Laws. This committee will go to Washington to present the memorial to the President.

Alexander E. Orr, President of the Chamber, announced the appointment of A. Foster Higgins and Frank Gilder Edson to unite with representatives of other commercial bodies in a conference with Governor-elect Roosevelt on the subject of the State canals. Mr. Higgins and Mr. Edson were members of the Canal Commission appointed by Gov. Black to investigate the alleged canal frauds.

Prof. H. B. Norton Committed to an Insane Asylum.

MATTEAWAN, N. Y., Dec. 1.—Prof. Harrison R. Norton, principal of the public school at Bangall, near here, created a sensation in Poughkeepsie yesterday by going to all the banks and ordering them to close their doors. The professor is 43 years old, and was a well-known leader in educational matters in this part of Dutchess county. He asserts that he is a money king, and has concluded to put a stop to the banks using his money so freely. The man was arrested and committed to the Hudson River State Asylum.

AFFAIRS OF THE THEATRE.

THE TWO SHAKESPEAREAN COMEDIES NOW ON BROADWAY STAGES.

Encouragement and Admonition for Julia Arthur—Three Short Plays Acted by Dramatic Pupils—The Modern Ticket Seller.

There is no reason why Julia Arthur should not ultimately carry out her ambitious purposes. Her talent and beauty are unusual. Those in charge of her performances may learn to make more effective use of the means she provides so liberally. A production of "As You Like It" which will meet standards which Miss Arthur has set up for herself must be a matter of growth. Companies undertaking such performances cannot depend on the facilities of the theatre in which they are acting. The equipment of players for Miss Arthur's repertory of plays presented in spectacular style must be large and difficult to move about. In a theatre fitted with the means of proper illumination and other needed apparatus the task of presenting the Shakespearean plays in elaborate fashion is difficult enough. The development and experience certain to come after her company has been longer together will help in productions in a way that they most demand. That all her actors will ever prove acceptable it is impossible to believe. But the crudeness that now mars nearly every scene should soon disappear. The works of Shakespeare should not be attempted on the stage without long preparation. The comedies must be presented with every advantage of good acting to make them interesting. There is not enjoyment of any kind to be got from indifferent treatment. They were better left alone. Actors old-fashioned in their methods, those who never had any method at all, and those who are mediocre are more of an infliction in these plays than in newer ones. There are few good elocutionists, and so even the beauty of the mere words is not transmitted to the audience. There is no man or woman on the stage to-day who could revive the methods of those days in which one star, surrounded by incompetents, could hold the attention of the public in the classic pieces. Helen Ada Rehan's beautiful performance of *Portia* and the costly spectacle of "The Merchant of Venice," have not drawn large audiences to Daly's Theatre. One night this week the people in the parquet numbered less than a hundred. Miss Rehan's excellence and the beauty of the spectacle are not enough. The play should be well acted throughout. The lack of a *Shylock* is not compensated by other merits. Shakespeare must be given with an approach to perfection in all the details, or it will be rejected. Miss Arthur's project requires time. It could not grow suddenly into success. A repertory needs infinite care and patience. She will win in the end, however, if her own beauty and talents remain unchanged.

The class of '99 of the American Academy of Dramatic Arts made its first public appearance yesterday afternoon at the Empire Theatre. They were fortunate in their choice of plays, considering the scarcity of good ones limited to only one act. The best play of the afternoon, and one of which more will probably be heard, was called "Liz." It was an excellent example of the natural style of drama now in vogue. The story was a simple one. A drunkard husband, who habitually beats his wife, has killed their baby in one of these fits. The mother's heart yearns for something to fill the dead child's place and adopts an orphan. Again, when he is under the influence of liquor and his wife has left him alone for a moment, he accidentally comes upon the child which he has forbidden her to take. He is about to trample upon it when she returns and in protecting the child gets into a fight, which results in her killing him accidentally with a flatiron. The style of this play resembles the scenes between Nancy and Bill Sikes in "Oliver Twist," except that in this case it is an illustration of New York's low life instead of London's. There were calls for Estelle Johnston, the authoress of "Liz," but she did not answer them. This playlet was very well acted by Fernanda Eliscu, who showed an Annie Russell promise, and Robert Schable. The other pieces were "A Lesson in Whist," an amusing farce of the regular order, and "At the Sign of the Buff Bible," a rather intricate drama of the time of the Commonwealth in England, with secret passages and all the paraphernalia of stage romance, but it wandered so much in thought that it was difficult to keep time with it. Those that distinguished themselves particularly, besides Miss Elison and Mr. Schable, were Grace Merritt and Nora Dunblane in "At the Sign of the Buff Bible." Alice Chandler, Joseph Maylon, Samuel Claggett, Harry Lewis, Mayson Hardtner, Dr. B. McCartney, Edgar J. M. Hart and Sidney Donalds all did well.

In no particular is the business of the drama more changed in manner than at the ticket window. Formerly the salesman hid behind ground glass, and the public knew him only by his voice, which was usually gruff, and his language, which was seldom polite. Communication was had with him through a small aperture, into which money had to be thrust trustfully. The impression given was that the man inside was ashamed of his employment, or else a rogue who did not intend that his victims should ever identify him. The method and aspect of the theatrical treasurer is admirably reformed, except in scarce cases. He sits behind a wide-open window, and on the counter in front of him diagrams show the place of every seat in the house, while behind him in a rack are exposed the tickets for a week ahead or longer. He gives pleasant and explicit answers to all questions, no matter how many or silly they may be, and to women especially he is as urbane and patient as any clerk in a store. And the women behave here just about as they do when shopping. They first demand to know what seats are to be had in the various parts of the house and the prices thereof. A selection is often a matter of the slowest imaginable consideration, even though it keeps a line of persons waiting. Nor is a decision arrived at by means of dialogue and diagram. Very often the perplexed feminine mind requires to be centred on the actual tickets, which she examines as though they were fabrics the color or size of which had something to do with their value. After all this examination and hesitation she departs without buying, in order to see what is to be had at other theatres. It is not until the point is reached of selling tickets on approval, to be returned if not wanted, that the traffic becomes less obliging than that of the modern department store, and even then the man refuses smilingly, notwithstanding the woman's manifest opinion that he is a mean old thing. However, he is sometimes willing that she shall try the seat before buying.

"The chairs in this theatre are so narrow that they just fairly torture me," said a woman who carried much weight.

"Oh, you're thinking of some other house," the urbane man protested. "Jim, show this lady to parquet chair 21A. Try it for yourself, ma'am."

The woman did so, and made the purchase, with the final remark to the same chap whom her predecessor in line had regarded as a mean old thing: "It was awfully nice of you—thank you so much."

After going through the process so far as deciding for herself is concerned, a woman may take up the separate and sometimes curiously complicated question of some absent person's requirements. "My husband is coming with me," she may say, "and he can't bear to see me cry. There isn't anything in this play to cry about—is there?"

"No," the man may assure her, "there isn't a tear in it."

"My husband is rather nervous, you know, and anything that shocks him won't do."

"There's nothing sensational in the piece, ma'am."

"He isn't at all well. Sure these seats are not in a draught?"

"Here's a side door," pointing on the diagram, "and sometimes if is opened for ventilation. Now these," and he indicates other seats, "are safe from draught."

"But aren't they a long way from the stage? My husband is a little hard of hearing."

"Then these may suit you," and he again places his finger on the chart. "If have two seats here, four rows from the front, and no door near them."

"You don't suppose it would be too warm down there," and she turns the third set of tickets over to see if some hidden fault may not be discovered on their backs. Are they too close to a heat register? No? Well, I think they will do." She takes out her purse, extracts the price slowly and the sale seems about to be closed satisfactorily, but a sudden thought comes to her. "Oh, my—I forgot. My husband is very tall. He won't sit with his legs all cramped up. I'm afraid there's not space enough between these rows of seats for him. Is there?"

The man rouses himself to a supreme effort and a victorious one. Taking two more tickets from the rack and directing her eyes to the diagram, he says: "Here's precisely what you want—out of the draught, away from the heat, and, see, just there the last straight row and the first of the semicircle leave extra space between."

AN EVENING OF GOOD MUSIC.

The Liederkranz and Arion Singing Societies Heard in Carnegie Hall.

An exceedingly fine and charming concert was given last evening in Carnegie Hall for the benefit of the German Hospital and Dispensary of New York under the skilful directorship of Dr. Paul Kleugel, the newly arrived conductor of the Liederkranz Society. Any programme which can count upon several numbers sung by this able organization is certain to be full of interest. The Liederkranz Männerchor ought really to be oftener heard outside of its own walls.

The Arion Männerchor, under Herr Julius Lorenz, also sang with good effect, though with not an equal measure of smoothness and refinement. One dainty little song of theirs they had to repeat. It was called "Französische Weise." N. von Baussern is the composer.

The soloists of the evening were Mme. Gadski, who sang an aria from "Oberon" and one from "Tannhäuser;" Herr Leo Schulz, the violoncellist, and Andrew Schneider, a young baritone of great talent, with a beautiful gift of voice, who has not yet graduated from the judicious care of Frau Anna Lankow, who has been his only teacher. Mr. Schneider sang with rich, warm tones the lovely aria from "Faust," "Dio Possente," and the audience was quick to recognize the real value of his voice quality, for he received such enthusiastic and continued applause that after three returns to the stage he was forced to give an encore, which he did by repeating his programme song.

LETTER CARRIER FOUND THE FIRE.

Where Were the Police Patrolmen While It Climbed All Over This Building?

When Theodore Roosevelt became Police Commissioner one of the first things he did was to go unheralded about the streets in the small hours of the morning observing what policemen did then. He found out that they were asleep. Not one in seven was to be found on his post. He had hit upon one of the oldest and worst of the many abuses that disgraced the force. Every lazy policeman considered the "last tour," as the spell from midnight to 6 o'clock is called, the time for turning in and taking a nap. While Roosevelt was in office they kept awake; but when Tammany came in again they went back to the old lazy ways. It was no longer a question of doing one's duty, but of suiting the district leader, and so old abuses came back. They are in full swing now.

One result of that is that fires that break out in those hours are not discovered in season and gain greater headway. The firemen have harder work and the insurance companies bigger bills to foot. Some day when lives are lost at such a fire there will be an angry outbreak and the truth will be told. Meanwhile milkmen, cabmen and other night prowlers do the detecting of fires.

It was a letter carrier from Station A of the name of Walters who gave the alarm yesterday morning when the seven-story building on the southwest corner of Wooster and West Third streets was burned. He saw the flames from Washington Square, a long block off, and ran all the way to Macdougal street to send an alarm. The Mercer street station house is only two blocks away and two policemen should be on duty near the corner where the fire was, but it was left to the letter carrier to do their work. When the fire engines responded the whole third floor was ablaze, every one of its nineteen windows sweating fire.

Then followed a three hours' struggle in which Chief Bonner and his men won at last, but not until the whole building was wrecked. It was dangerous work, for there were explosions in the burning building that shook its walls and the big water tank fell from the roof, carrying all the floors with it. The fire grew so hot that the firemen were forced to retreat from the fire escapes to the street, but only for a while. They came back and finally got the best of it. The snow had hindered them some in getting there and so helped on the fire.

Everything belonging to Hein & Fox, cap makers, who occupied the greater part of the building, and to Joseph Cohn & Son, clothing manufacturers, and the New York Despatch and Delivery Company, which had floors there, was burned up. The loss was $150,000, half of which was on the building. N. L. McCready was said to be the owner of it. Three hundred hands are thrown out of employment until the firms can begin over again.

EDITOR WRIGHT'S MARITAL WOES.

His Wife Made Only One Tapioca Pudding and Made Him Build the Fires.

Vice-Chancellor Pitney heard testimony in Chancery Chambers, Jersey City, yesterday, in the divorce suit of Frank Wright against Annie Larison Wright. Wright accused his wife of desertion, and also alleged that she had made but one tapioca pudding during the time she lived with him, and that she had compelled him to get up in the morning and build the fires. Wright is the editor and proprietor of the *Short Hills Item*. The couple were married on Aug. 22, 1895, in Hacketts-town, N. J., and went to live in Summit. Wright was then 28 years old, and his wife 35.

The plaintiff testified that he and his wife had lived together five days when his wife went to Hackettstown on a visit to her relatives and to get household articles, with a view to going housekeeping. She stayed away four weeks. Then she returned and lived with him one week. During that time, he declares, she proposed to him that she should leave him altogether and give him an opportunity to sue for a divorce.

Mrs. Wright declared that the trouble was caused by her husband's folks. "They treated me as a mere servant," she said. "I had not been in the house a week before my mother-in-law told me that I was an intruder, and that I had broken up a happy home by marrying her son. I was not allowed to have heat in my room, and was obliged to receive my friends in the parlor in the presence of the other members of the family. My husband would not give me any money for clothing. I asked him to provide me with a separate place to live. He refused. He preferred his mother to his wife. I left him in March because I could not stand his coldness and rudeness. He made me take such long walks that I became sick and had a physician twice a day. My husband refused to pay the bill, and I had to pay it myself."

Lawyer Morrow questioned Wright about his failure to take his wife to prayer meetings and other places. The witness said that his wife kept him awake nights talking about his property and to whom it was deeded.

"Why didn't you tell her?"

"Because I thought that she ought not to doubt me."

"You were at your office all day and out all night, and that was the only time your wife had any opportunity to speak to you, wasn't it?"

Wright said that when he went out at night it was to prayer meetings. The hearing will be continued in Newark on Dec. 26.

MRS. LIVINGSTON DISCHARGED.

No Reference Made in Court to Her Trouble with Mrs. Murphy.

The judicial end of the Grace Livingston acid throwing case came yesterday afternoon with Mrs. Livingston's arraignment in the West Fifty-fourth Street Police Court on a charge of attempted suicide. That was the charge entered on the police blotter when she was found at Columbus avenue and Sixty-fifth street on the night of Nov. 4, and it was not altered, in spite of the fact that on Nov. 21 Mrs. May Ward Murphy of 40 West Sixty-fifth street confessed that she had poured the acid over Mrs. Livingston during an altercation in her house, where Mrs. Livingston had sought her to see if some arrangement couldn't be made to divide the attentions between them of Mrs. Murphy's husband, who was living with Mrs. Livingston as her husband. Mrs. Livingston's scars were concealed in court by a heavy veil and a pair of dark glasses.

Detective Quinlan made the complaint and then handed to Magistrate Mott a certificate from Dr. Parker of Roosevelt Hospital to the effect that the woman had not swallowed any acid. No reference was made to the Murphy incident.

While waiting at the rail for the Magistrate's action Mrs. Livingston fell, apparently in a swoon, but recovered almost instantly when Magistrate Mott, without paying any attention to her fall, dismissed the complaint.

Mrs. Livingston returned to the hospital in a cab to get some clothing which she had left there.

Massachusetts Native Parentage Statistics.

BOSTON, Dec. 1.—Chief Horace Wadlin's latest publications relative to the 1895 census of Massachusetts dealing with parent nativity show that 955,726 persons, or 38.23 per cent., of the total population of the State are of wholly native parentage—that is, have both parents native born. In Boston the percentage of the population of wholly native parentage has declined from 31.31 in 1885 to 27.98 in 1895, while the percentage of wholly foreign parentage has risen from 50.80 in 1885 to 52.52 in 1895. The percentage representing the population of mixed parentage, that is, having one parent native and one parent foreign, has risen from 7.16 to 8.33.

John A. Quintard Resigns.

John A. Quintard, who had long served as counsel for the old Board of Charities Commissioners in Brooklyn, and was transferred to the Law Department in the borough at the time of consolidation, tendered his resignation yesterday. Although his old place was not formally abolished, his name has not appeared on the payroll of the Greater New York, and it is said that he has done no work in the office.

TO DO AWAY WITH HAZING.

PRINCETON STUDENTS DECIDE TO GIVE UP THE CUSTOM.

The Storm Helped the Freshmen, Who Have Been Snowballed Mercilessly—Resolutions Adopted and a Committee Appointed to See That They Are Enforced.

PRINCETON, N. J., Dec. 1.—The wave of reform that has been passing over Princeton University reached a culminating point tonight at a massmeeting of undergraduates in Alexander Hall. It was voted that hazing in all its forms must forever cease. The students took this action of their own accord, without any promptings from the faculty. Since 1894, when the faculty forced the issue by threatening to expel several of the best football players unless hazing were stopped, thereby hazarding Princeton's chances in the intercollegiate contests, there has been no hazing at Princeton of the brutal type. Recently roving bands of sophomores, with plenty of time on their hands, have never missed an opportunity of dodging the proctors and dropping in unexpectedly on some unsophisticated freshman, who perhaps had been making himself unduly conspicuous, and putting him through a series of harmless "stunts," such as doing a song and dance, making a speech extolling his own virtues, or cheering for the sophomore class.

The last snowstorm brought great joy to the sophomores. In accordance with a time-honored, unwritten law, they are permitted to snowball the freshmen, who have no right to retaliate. Every day, from the time the bell rang for morning chapel until after the last recitation at night, the sophomores have been hard at it, pursuing the helpless freshmen, not even allowing them to take their meals in peace. The second-year men upheld the old custom so rigorously that they overreached themselves, and the new conditions of undergraduate life at Princeton are directly traceable to the early snowstorm.

The movement originated with the senior and junior classes, who appointed a committee to draw up a set of resolutions outlining the prerogatives of the lower classmen, their relations with one another and providing for an undergraduate court to try cases and pronounce penalties. The resolutions were then presented to the freshmen class and were adopted with a rush that left no doubt as to the downcast state of the freshmen's feelings. When the resolutions were submitted to the sophomores at a meeting yesterday there was a good deal of opposition shown. Whether the better element in the class predominated or whether the majority of the class had sore arms and therefore could not snowball, is not known, as the meeting was secret, but the resolutions were adopted and were enthusiastically ratified at the massmeeting to-night. The resolutions, which will be enforced with all the vigor that characterizes the honor system in examinations, are as follows:

"Inasmuch as the custom of hazing in all of its forms is a demoralizing practice, involving an unreasonable and intolerable interference on the part of one student in the rights and privileges of his fellow student, and, inasmuch as this practice has been carried to an unwarranted and baneful extreme, endangering thereby the position and standing of certain men who are already members of the university and exerting a most damaging influence on the university's interest and reputation in the outside world;

"Therefore, we would recommend that all forms of hazing be abolished entirely and that the students, in massmeeting assembled, declare themselves in full sympathy with such a movement and promise their co-operation and support in enforcing these resolutions. In carrying out this purpose we would suggest that the following method be pursued:

"First—At the first meeting of the freshmen class the Chairman of the committee hereinafter provided for shall announce that while the sentiment of the university is opposed to hazing, yet the freshmen class will be expected to observe the usual customs of the university.

"Second—It will be understood that, aside from an insistence of the enforcement of the time-honored college customs by the processes hereinafter provided for, any molestation or intimidation of or dictation to the members of the freshman class on the part of the sophomores shall be considered hazing.

"Third—Members of all classes shall have the right to appeal to the committee hereinafter provided for for the enforcement of these resolutions, including an observance of the customs in any particular instance that may come before their notice.

"Fourth—There shall be a committee on hazing, composed of the following five persons: The Vice-Presidents of the two upper classes, the editor-in-chief of the *Princetonian*, and the managers and assistant manager of the baseball team. The duties of this committee shall be to decide all questions arising in the interpretation of these resolutions. They shall summon before them all members of the freshman class who are accused of violating the terms of these resolutions, investigate the charges brought against them, and, if they are found guilty, shall decide upon the punishment to be inflicted. They shall also summon before them all members of the sophomore class accused of violating the terms of these resolutions, investigate the charges, and, if they are found guilty, shall refer the case with all evidence bearing upon it to the faculty. They shall summon before them all men whose testimony is desired in the consideration of cases.

"These resolutions shall go into effect immediately upon their adoption."

In the past a freshman was not permitted to wear golf trousers, nor sport the colors, to carry a cane, to wear duck trousers until the first Harvard game, to smoke a pipe, to enter the grand stand at the baseball grounds, to be seen on the streets after 9 o'clock at night, to enter any saloon or poolroom, to play ball or loaf on the campus, and, finally, he was expected to yield the sidewalk to everybody but the townspeople.

WANTED HER GRANDCHILDREN.

Court Decided Against Her and She Struggled Vainly for the Youngsters.

By order of Supreme Court Justice Smith, in Brooklyn, Victoria and Frank Olsen were turned over yesterday to their father, Charles J. Olsen. Their paternal grandmother, Mrs. Victoria Olsen, formerly had charge of them. She alleged that her son was not a fit person to care for the children, as he was intemperate and was living with a woman to whom he had not been married. Olsen produced the clergyman who had performed the marriage ceremony, and Justice Smith said that a man who had worked for one firm eight years evidently was not intemperate. He said the grandmother could see the children on Sunday afternoons.

When Justice Smith left the bench Olsen ran across the room and grabbed his children. They struggled to get away and screamed, but he held on to them until he reached the corridor. Then Mrs. Olsen tried to regain the children, and a crowd followed them out into the street. Police Inspector Rhoades ordered Mr. Olsen to take his children home and ordered the others to go about their business. While Mrs. Olsen was explaining the matter to Inspector Rhoades, Olsen with the children jumped on a car and went away.

WAKING THE TUNNEL CORPSE.

Rapid Transit Commissioners Talk Mournfully of Hole in the Ground Schemes.

The Rapid Transit Commissioners met yesterday at 256 Broadway in executive session. The only absentees were Mayor Van Wyck and Comptroller Coler. Two hours were spent in the discussion of a report on the legal possibilities of the situation by Edward M. Shepard and A. B. Boardman, counsel to the commission. Secretary Delafield said that there were two ways open to the commission by which it would be possible to dig the hole in the ground. What they were he wouldn't say.

The commission is now proceeding under a statute which provides that the tunnel shall be built with the city's money. Comptroller Coler announced some time ago that the city debt limit had been exceeded, bringing the work of the commission to a stop. To do anything more the commission will be obliged to have more legislation. The public will be let into the commission's plans on Saturday, when President Orr will make a long statement on the situation.

COPYISTS TALK OF STRIKING.

Men Making Out Primary Lists Want More Than $2 a Day.

There was talk of striking yesterday among the 200 copyists who are writing the primary enrollment at the borough offices of the Election Bureau. Most of them were taken from the Court House lists, from the grade of junior clerk; but there were not enough of these, and so some senior clerks were appointed, and the district leaders furnished the rest, fifty odd all told. The leaders told their appointees, it seems, that they would receive $3.33 a day. The Police Board fixed the compensation at the rate of $700 a year. Pay day is coming to-day. When the senior clerks and the political appointees heard of the two-dollar-a-day provision they were indignant. They got up a remonstrance to the board protesting that the street Cleaning Commissioners paid men $2 a day for shoveling snow, and that their labor was worth more. Then they talked of striking. The board told them that it would consider the matter to-day.

SIXTH NATIONAL BANK SOLD.

Will Be Absorbed, with the Stockholders' Consent, by the Astor National.

The Sixth National Bank, at Broadway and Thirty-third street, is to be absorbed by the Astor National Bank, in the Astor Court building, in Thirty-fourth street, just west of the Waldorf-Astoria. The control of the Sixth National, which has been held by Gallatin National Bank interests, has been sold by them to the interests controlling the Astor National and First National