LUTHER R. MARSH SALUTES

THOSE WHO NEWLY STAND, WITH HIM, PEERING OVER LIFE'S BOURN.

Welcomes Lyman Abbott, Dr. Savage and Prof. Hyslop, and Says Mrs. Piper Is a Great Medium—So Is Mrs. Huyler—Has Constant News from the Other World, and a Fresh Epistle of St. Paul.

MIDDLETOWN, N. Y., June 24.—The man who was a decade ago the most conspicuous and devoted convert to spiritualism in this country, Luther R. Marsh, once Daniel Webster's law partner, is living out a hale old age in Middletown. He is 87 years old. He says that these are the happiest days of his life. He has all that his bodily wants require; he believes that Middletown's climate is the healthiest in the world, just as he believes that the low hills and green fields with which the city is surrounded are the most beautiful that God has ever fashioned. He believes that the Huylers, the wife a medium and the husband a professing spiritualist, with whom he lives, are the best friends he has in the world. His faith in spiritualism is unshaken. He says it has only broadened and increased in the years of his retirement. He constantly receives messages from departed friends. Mrs. Huyler brings some of them. Others come by mail from mediums at a distance. His greatest satisfaction in these days, he says, is that he has lived to hear the rising tumult, the gritting of the pebbles before the oncoming tidal wave of general belief in spiritualism. He regards the Rev. Dr. Lyman Abbott, the Rev. Dr. Minot J. Savage, the Rev. Dr. Heber Newton, Prof. Hyslop, Prof. James and the other Harvard "investigators" as fellow converts who do not yet dare to speak out all that they believe. The only shadow that crosses his happiness is that unkind critics persist in referring to his former association with one in whom he still believes as the greatest physical medium the world has known; although, as he says, the more recent developments of her character are such that none can approve of her.

The home of the Huylers is on Benton avenue, one of the quietest and shadiest of Middletown's streets. It was not as large or as completely furnished when Mr. Marsh came to it, eleven years ago, as it is now. As he became attached to the Huylers and became convinced that Mrs. Huyler was really a great medium, he began to suggest additions to the house and changes in it. The Huylers, in their hospitality, permitted him to add wings, a third story, extra baths and the like as he wished. From the street it has the look of a prosperous, unpretentious yellow and brown Queen Anne cottage. Within, the multiplicity of rooms and parlors, bathrooms and picture galleries cannot but puzzle the guest who enters for the first time. Mr. Marsh and the Huylers have, each one of them, separate and spacious suites. Any one of them could live in his own apartments for weeks in full bodily comfort without going out into the rest of the house. There is a big back yard, with a firm, thick carpet of grass, altogether shaded by fruit trees, among which are comfortable seats and hammocks and a fantastic summer house.

The Huylers are vigilant guardians of their aged guest. The solicitude of Mr. Huyler in particular touching Mr. Marsh's visitors is such as to suggest at first that he intends to leave Mr. Marsh no discretion as to his communication with people outside the spiritualistic pale. To drive home such a conclusion from Mr. Huyler's conduct proves to be unfair once the visitor makes it clear that there is no intention of annoying Mr. Marsh. Indeed, Mr. Huyler's only apparent occupation in life seems to be to make Mr. Marsh perfectly comfortable and satisfied to stay where he is.

"You can't see Mr. Marsh. He don't want to see you. There's too many dam reporters been up here writing up a lot of dam nonsense until we are dam sick and tired of the whole kit and boodle of them."

Such was Mr. Huyler's greeting to a SUN man who called to see Mr. Marsh this morning. Explanations failed to mollify him. He stood in the crack of the door and damned most vehemently. Mr. Huyler is a small, spare man, with a sharp, prominent nose and deep-set, fierce eyes under a shaggy brow. He wears a sparse, iron-gray beard; also a time-stained panama hat. He had apparently been cleaning a stove. Intro-pection, it was clear, had bred in him an indifference to outward appearances. The reporter said that if an interview with Mr. Marsh was impossible if Mr. Huyler was not too busy an interview with him would be an acceptable substitute. Mr. Huyler said "wait" and closed the door. In a moment he opened the door again just wide enough to let out the panama hat and then a camp chair which he dragged behind him by the door. He seated himself with his back to the door, opposite his visitor, and said many severe things of Mr. Marsh's critics. As he talked on the "dams" in his remarks grew fewer and fewer, and after a time there was none. He and Mrs. Huyler had about concluded, he said, that the constant nuisance to which the curious subjected Mr. Marsh must stop. Mr. Marsh was so courteous and good natured that the only way to do with people who are bent on annoying him was not to let Mr. Marsh know they were around. Asked what was the state of Mr. Marsh's health, Mr. Huyler said:

"He is very well and very strong for a man of his age. The only trouble with him is that he has drawn too much on his legs. That's what I said, his legs—his lower limbs. Spending his life writing, writing, writing, as he has, sitting all the time, his legs have been left disused and his brain has drawn on them for nervous force." Mr. Huyler traced the channel of nervous force along the seam of his trousers, up his ribs to the shelter of the panama hat. "In that way," he continued, "vitality of his legs has been sapped so that he lacks strength in them. He is able to go to New York now and then, once in a while, about twice a year. Alone? Oh, no! He usually invites some one to accompany him. Some lady in the house or from around the neighborhood. He just insists that he take somebody with him; he is perfectly able to take care of himself, but he's too old to go around the city alone.

"Of course, Savage, Abbott, Hyslop and the rest are a pleasure to him because they show that the truth is making itself known. They say the Presbyterian church is in trouble in New York—going to pieces, full of fakes. I know it is, here. All broken down. Spiritualism is the secret of it. The people that leave them are coming to us. I believe it. All right-thinking people see it coming. I raise my arm"—. He doubled his arm as an athlete does to show his biceps and went on taking, demonstrating the while with the other hand. "What does that? The spirit. Does it from within." Mr. Hyslop traced out an arch as big as the bottom of a pint cup on his waistcoat, just over the bottom of his right lung, to indicate the seat of the spirit. "The spirit possesses the body as the clay. The spirit stays right around us. This is as much of a heaven as we will ever know. Mr. Marsh still stands by the Bible. I used to believe in hell and all that sort of thing. I don't now. I see some of the preachers have knocked hell out of the Bible, too." He laughed. "All right-thinking people will agree with us in all these things some day, just as Savage and the rest of those preachers do now. Orthodox religion is on its last legs."

"Does Mr. Marsh correspond with any of the people who are interested in spiritualism?" Mr. Huyler was asked.

"He has no correspondence," was the reply. "Never writes to anybody any more. The doctor said it was too much of a strain on him. That is right, too. It was drawing on his lower limbs too much."

A heavily built old man with hair not altogether white and in firm trend came up to the gate with two or three packages wrapped in paper in his arms. He did not look as though he were more than sixty-five years old.

"That's him, now," said Mr. Huyler.

Mr. Marsh peeked up with a gentle smile at Mr Huyler. He did not apparently see the reporter. He entered the house by a basement door.

"He's been uptown," Mr. Huyler explained, "buying some delicacy or luxury or other for dinner. That's the way he lives with us. If he takes a fancy to something he goes and gets it. He is our guest. He came here with a grip-sack eleven years ago and has stayed ever since. He wanted to pay board. I wouldn't board him for a single day. So long has he wanted to stay as a guest and take care of him with us, well and good. He seems to have liked it."

Mr Huyler said that on séances were held at the house. Mrs. Huyler was a medium, but she never gave séances. Several years ago there was a visiting spirit named Archer who had sittings for Mr. Marsh. "But," said Mr. Huyler, "we found out he was a fake and threw him out." Mr. Marsh lived with the Huylers simply because he found them congenial and sympathetic. Mr. Huyler would neither affirm nor deny that Mrs. Huyler gave Mr. Marsh communications to Mr. Marsh.

After a while it was arranged that the reporter should see Mr. Marsh at 5 o'clock. Mr. Marsh's greeting was full of courtesy and gentleness. He made no reference to spiritualism until he was asked to. He talked of his afternoon drive in Central Park and the parks above the Harlem. He gloried in his victory, with the aid of Theodore Roosevelt, then an Assemblyman, and others, over the Albany Black Horse Cavalry in getting the $100,000 for half of the parks passed without giving up a cent of it for a tribute. He talked of the complex litigation involved in the condemnation proceedings and spoke of particular properties with a definiteness that proved the clearness of his memory. He praised Middletown, its climate and its situation in the hills. He said that he should probably remain there the rest of his life. Some of New York's greatest lawyers had come from Orange county, he said, and he named Ogden Hoffman and Duer and Betts. He told stories about them with the greatest good humor. He showed his books, with which the walls of his rooms are fairly lined.

"The subject is too large," he said when he was asked to speak of the recent conversions to spiritualism. "It is all summed up in the old saying, 'magna est veritas, et prævalebit.' I have expected a movement of the sort, but I did not expect it so soon or that it would be a tidal wave of such dimensions as this promises to be. These ministers all of them believe more than they dare say. They begin to speak frankly and the spectre of an empty pew or a depleted contribution box rises before them and they are silent. Their very fear to speak frankly helps spiritualism. I once knew a man who was frequently on juries. Invariably when the jury retired he espoused the side of the case that seemed to him weakest. When the jury divided in opinion and began to argue he was always arguing against his own convictions. At length he would go over to the other side—and the rest of his side would go with him.

"So, I would rather have these men who are seeding the truth be apparently inclined against it at an angle of forty-five degrees. When they give way and go over altogether they will bring their people with them. They will have great influence. So far as Mrs. Piper is concerned she is a great medium. No one has yet attacked her honesty or sincerity. She is working among men of science, men of learning, men of culture. She is doing a great work.

"As for me, I stand where I always have stood. I am constantly receiving messages. The messages that I have made public heretofore are as nothing compared to those that have come to me since I have been here. I have communications forty and fifty pages long from above that surpass beyond all consideration anything that could have been written by Chapin, Beecher, Storrs, any of the great preachers that were and are."

Mr. Marsh pointed to a pile of closely written sheets of paper on his desk. One of them ended with the signature "St. Paul."

"I have not made these public. People would not accept them on my authority. Some time the world shall have them."

In answer to the arguments of unbelievers that spiritualism has never improved the world in a practical way, has added nothing to science or the bettering of social conditions, Mr. Marsh said that the spirits regarded this world no more than a snap of their fingers. Their thoughts were on the higher plane. It was very likely, he said, that the spirits were so busy with the higher thoughts that they had no time to bother with earthly knowledge and were ignorant of worldly affairs, except for the knowledge they had carried out of this life with them. He cared nothing more for this life himself, he said. He did not care how much he was abused or criticised. All these things were far beneath him.

"My only desire is that I shall not make trouble for Mrs. Huyler," he said. "These people have made me their guest, freely, for eleven years. The spirits whisked me here without a moment's notice, and, as I suppose, for a few days only. She is sensitive, as a great medium must be, and these things hurt her."

Mr. Marsh walked up and down the room rather uneasily.

"I have sometimes felt that I ought perhaps to go away and free them from these attacks. But I am so happy here in my bodily life and in receiving spiritual communications in this family way that it is hard for me to think of leaving."

Mr. Marsh took his visitor all through the lower part of the house, which, like his study, is hung with spirit pictures, that were materialized for him before his eyes by the woman his friends drove from New York. He said they showed marks of the brush and wanted to bring a magnifying glass to the picture of Lola Montez to prove it. But to naked and unspiritual eyes the marks of the brush were quite plain.

CITY BOND MANDAMUS CASE.

Court to Be Asked Early This Week to Coerce the Municipal Assembly.

Alexander Thain, counsel for John McQuade, has prepared his application for a mandamus to compel the Municipal Assembly to act on the $250,000 Croton water bond issue, which is held up. Mr. Thain said yesterday that the application would be made before Justice Bischoff in the Supreme Court on Monday or Tuesday. The application is made to compel the Municipal Assembly to concur in a resolution adopted by the Board of Estimate to issue $250,000 worth of bonds to pay for work on the Croton water system.

Mr. McQuade got a contract on July 25, 1895, to build a storage reservoir in Somers, Westchester county. The work was completed on Oct. 21, 1897, the cost having been $712,518.09. Of this sum 5 per cent., or $35,625.90, was withheld by the city, under the terms of the contract, for one year, so that the work might be tested. It being satisfactory, on Oct. 31, 1898, the Board of Estimate adopted a resolution authorizing a bond issue of $250,000, out of which the balance due McQuade was to be paid. This resolution was sent to the Municipal Assembly on Nov. 1, 1898. The Aldermen have concurred in the resolution. It is now before the Council. Mr. Thain's application says in part:

"That the said Municipal Assembly of the city of New York has taken no action on the said resolution of the Board of Estimate adopted Oct. 31, 1898, and has neglected and refused, and still neglects and refuses, to act on the same."

Then follow the names of all the members of the Council, including that of President Rugg, Comptroller Coler, and the names of all the members of the Board of Aldermen. The application asks for:

"An order to show cause, returnable in less than eight days if necessary, for the reason that I have so long been kept out of my money under the belief and with the expectation that the Municipal Assembly would approve the resolution of the Board of Estimate for the sale of bonds out of which I could be paid, upon the faith of which I have been borrowing money which I am now called upon to replace. The said Municipal Assembly will soon be taking a vacation for the summer, and, should the position taken by me be at all seriously disputed, there will not be sufficient time to give the ordinary notices to bring the matter to an adjudication before the courts. There is a large number of persons involved in this matter, each of whom is required to be served, and there may be difficulty and delay in serving them all. The matter is also of public interest and should receive early attention." The application also sets forth that in the authorization by the Municipal Assembly acts in a ministerial capacity only.

Mr. Thain said yesterday that the delay in payment had not been unprofitable for Mr. McQuade. He is receiving 6 per cent. on the amount due to him from the city. He has been able to borrow money at a much lower rate. The difference in percentages has been pure profit. Mr. McQuade would have hard work to find a more profitable investment than that afforded to him by the Municipal Assembly's delay. It is understood that he was perfectly content to let the matter rest. Comptroller Coler, however, objected to paying twice as much interest on the debt as was necessary. He asked Mr. McQuade, as a citizen, to aid him in protecting the city's treasury. Mr. McQuade consented, and the application for a mandamus was the result.

Neither Mr. Coler nor Corporation Counsel Whalen was at his office yesterday. It was said that Mr. Whalen would not make application for a writ in the matter of $500,000 worth of bonds for sanitary protection of the watershed until after Mr. McQuade's application had been considered.

MR. GERRY WILL APPEAL.

But the Further He Goes with the Courts the More Investigation Threatens.

Having been beaten in the decision of the Appellate Division of the Supreme Court that the Gerry society must submit to visitation and supervision by the State Board of Charities, in the same way as other charitable institutions, Elbridge T. Gerry will probably now take the question to the Court of Appeals. Neither Mr. Gerry nor the society's counsel, De Lancey Nicoll, was in town yesterday, but Lawyer John D. Lindsay of Mr. Nicoll's firm, who has been representing Mr. Gerry in the hearings before Supreme Court Visitor Albert Stickney, said:

"It was understood when this case was begun that it would not be dropped until the highest court had decided upon it. I am not Mr. Gerry's attorney in this case, but I think he will carry it to the Court of Appeals. The question involved is an important point of law, and I think the State Board of Charities ought to be glad to have the question decided finally by the highest court."

William Rhinelander Stewart, President of the State Board of Charities, is at present in Europe. Another member of the board said yesterday that the further the case went the worse it seemed to get for the Gerry society, as Justice Gregorio's decision in the lower court was that the visitation and investigation by the State Board should extend only to the society's relief work for needy children, whereas Justice Barrett's decision gives the State Board the right of general visitation and inspection.

"Besides this," said the member of the board, "Mr. Gerry has brought upon himself, by legislation, another investigator in the person of a visitor appointed by the Supreme Court. Before all is over the society is likely to be pretty thoroughly investigated."

Resigns from the Brooklyn School Board.

George H. Fischer has forwarded to Mayor Van Wyck his resignation as a member of the School Board of the borough of Brooklyn. He has served several terms as a School Commissioner, his first term beginning in 1874.

THEATRICAL AMUSEMENTS.

MANHATTAN BEACH BEGINS COMIC OPERA AND FIREWORKS.

Land and Sea Battles of the Cuban War Illustrated by Pain—"The Idol's Eye" and Frank Daniels at the Shore—The City's Roof Garden Season Wide Open.

Manhattan Beach was fully equipped for the summer yesterday with its usual three entertainments—band, music, fireworks and comic opera. Experience has proven that those forms of amusement are sure of support at that handy seashore. But there will be more frequent changes of bill in the theatre than hitherto. The start this year is made with "The Idol's Eye," in which Frank Daniels's drolleries are exploited to the best advantage. His adventures as an American imitation fakir in the Eastern lands of genuine fakirs are really funny. There will be only one week of them, and then Mr. Daniels will appear again in Smith and Herbert's other comic opera, "The Wizard of the Nile," following which we shall get "The Ameer of Afghanistan," a new work by the same authors. This summer's pyrotechnics by the Pains accompany representations of Cuban warfare afloat and ashore. The spectacles represent, on a spacious scale, and with much fiery resplendence, the destruction of Cervera's fleet and the fight at San Juan Hill. The patriotic pieces of fireworks are big and gay. The concerts by Sousa's military band have Mr. Sousa again on the conductor's platform. The popularity of his music shows no signs of wearing out. The marches go as well as ever, and there is a new one in the list.

The Venetian Terrace Garden, which is above the roof of the Victoria, will be disclosed to-morrow evening. Architecturally it will be striking, its lighting will be unusually brilliant and the arrangement of its stages, of which it has three, will be quite out of the ordinary. Visitors to the Olympia will recall that one bit of a Hammerstein show there was a burlesque entitled "Simultaneous Vaudeville," but this is not now to be tried seriously. Among the features of the first bill will be an automaton orchestra, and specialties by Astarti, Herbert's dogs, acrobatic Arabs, trained baboons, Gautier, Belle Davis and Bartho.

There has been sufficient restoration of the fixtures of the Koster & Bial's roof to resume open-air performances. By to-morrow night the recovery should be complete, and the Aerial Palm Garden should, as a name, be a closer fit than before the fire. The performance is a variety show of good grade with excellent orchestral music. The show will be led by Johnson and Dean's thirty octoroons. Others employed are Zelma Rawlston, Arthur Amsden, a strong woman, a black Jennie Lind and Leonidas's dogs and cats. To-night's programme will be entirely musical.

Roof shows are on the increase. The roof of Madison Square Garden is the latest to come into use, and its bill includes some unfamiliar matter, besides well-known specialties. The chief features are a pantomime for Mme. Pilar-Morin entitled "Unmasked," and an operetta for the Avon sisters. Isham's Octoroons will be numerous and tuneful, and specialists are Amorita, Irving Jones and Stuart.

The first performance of this summer at the American Roof will be next Saturday evening. The performers listed for the start are Pauline Hall, Caron and Herbert, the Cardownies, Jess Dandy, Williams and Adams, the Clerise sisters, Sherwood and Duryea, Viola Sheldon and the Symphony Quartet.

To-morrow night at the Casino Roof Garden the Cole and Johnson troupe will be heard in a new musical farce called "Nigger Helen." Adelaide, Gertie Reynolds, the Tobins, the Esmeraldas, Irene and Zaza, Frank Blair, Truly Shattuck, the Edwards, the Phaseys, Pauline Hammerstein and Alma Doerge are held here as specialists, and most of them will appear at to-night's concert.

At the Aerial Magnolia Grove Cissie Loftus will mimic De Wolf Hopper, Julius Steger, May Yohe and others, and besides the dances that fill the stage several times there will be innings for the Beaumonts, Willie English, Kittie Mitchell, John Kernell, the Angelos and Ethel Levy. From this roster will be drawn most of this evening's contributors.

Annie Hart will be chief vocalist for the Grand Central Palace Roof forces, the Boulfons, Sadie Fields, Snyder and Buckley and the Brownings being some of the others. Dancing follows the entertainment here. A concert is arranged for to-night.

The Lion Palace Roof Garden, at 110th street and the Western Boulevard, has a programme made up entirely of musical numbers.

Both in inclosed auditoriums and in open air resorts the variable offerings are attractive. Every known device for lowering the temperature is used at the continuous theatres and with appreciable results. The week's bills point the rivalry of these theatres. Proctor's heads its roster with Corinne, who as a child actress was the idol of volunteers, and who as a specialist is now a vocalist and dancer. Forman and Frazier, a new pair, will play a comic sketch here, and others listed are Flora, the Eldridges, the Wilczeks, Adams, Casey and Howard, Ford and Francis, and Barton and Ashley. The chief contributors at to-day's concert will be Lillian Burkhart, Hugh Stanton and Carrie Scott.

The foremost specialist at the Pleasure Palace will be Musical Dale, a pleasing performer on several sorts of instruments, who is not heard often hereabouts because of favor he has received in the music halls. The first play of the bill will be for Lillian Burkhart, who wrote it. Its characters are a hero of the seventy-first New York Volunteers and his sweetheart, but comicality and sentiment are its characteristics. Other variety inclusions will engage Smith and Cook, Arzane and Alice, the Weatons and Carrie Scott. To-day's performance will be practically the same as those of last week, engaging, among many others, Mrs. Letter, Wright Huntington, Arthur Rigby and Joe Welch.

At Keith's there will be a good share of promising new matter. One number will be an untried comedietta by Grant Stuart, entitled "To-morrow at Twelve," played by Charles Dickson and Kathryn Osterman. It will be Miss Osterman's first appearance in vaudeville. Another new sketch will be for Gertrude Mansfield, a vaudeville vocalist of good standing, and Carroll Wilbur. Besides a farce entitled "A Matrimonial Blizzard," in which H. Percy Meldon will be conspicuous, there will be specialties from McNish and Albro, Kelly and Violet, Hoyt and Nell, Blockson and Burns, Munroe and Mack, Swan and Bamburg and the Nichols sisters.

The variety show at Kastor's will engage Joe Welch, Lillian Fairbanks, Melbide and Goodrich, C. W. Williams, Bowman and Adele, Mortimer and Darrell, Adams and Ross, Bisco and Donsetto, Muro, Joseph A. Brown, the Youngs, the La Velles and the Leons.

Summer does not bring any essential changes in Eden Musee offerings. The wax show, motion pictures and band music continue to attract many visitors, and will be as accessible today and this evening as on week days.

The cast of "His Excellency the Governor," at the Empire, will have a further and interesting change to-morrow night, when Amelia Bingham will appear for the first time as *Stella, "the Evening Star."* This is the part of the vaudeville performer who is so desirous of being ladylike. It was artistically played by Jessie Millward. Miss Bingham's work in other parts of this sort shows her to be well adapted for the character.

The Tiller Quatres Excentriques, four handsome English dancers of "The Man in the Moon" at the New York, will introduce a new skipping-rope dance to-morrow night. They have gained considerable attention by personal beauty and excellent dancing. The "golden spectacle" in the last act proves attractive enough to keep the audience in their seats until the end of the play before going to the roof garden.

Music Hall at Brighton Beach gives a partial change of bill every week. Commencing to-morrow will be found there George Thatcher in monologue, Louise Gunning in Scotch ballads, Eckert and Berg in operetta, Wiseman Serenaders in vocal selections, the Van Aukens in horizontal bar feats and Herbert's dog circus. The free concerts on the lawn take place every afternoon except the two on which cash matinees are given.

The portion of Victor Herbert's Twenty-second Regiment Band which plays every evening at Terrace Garden makes an attractive summer entertainment. Each day's programme is devoted exclusively to the works of a single composer.

"A Spring Chicken," which opened the Bergen Beach Casino last Monday evening, seems to be just the sort of show desired there. An entirely different vaudeville show from the one given last week will be presented on the pier. Among the various other shows there are the Beaves Royal Automaton Theatre, band concerts in the Palm Garden, the Palace of Illusions, and, of course, a dancing pavilion.

"Little Lou" Released.

Louise Jourdan, alias "Little Lou," the noted pickpocket and shoplifter who was arrested in Brooklyn on Friday on a technical charge of vagrancy, was discharged yesterday by Magistrate Brenner in the Adams Street Court. It was her intention, she said, to return at once to Montreal, where she had been living quietly for some time.

NOTES OF LEGAL EVENTS.

The report of the New York State Bar Association for 1898, which has just been published, is embellished with good portraits of the former Presidents of the association, fifteen in number. They comprise John K. Porter, formerly Judge of the Court of Appeals; Samuel Hand, reporter and afterward Judge of the same tribunal; Sherman S. Rogers of Buffalo, Chief Judge Ruger of the Court of Appeals, Col. Elliott F. Shepard of this city, Gov. Hill, Martin W. Cooke of Rochester, William H. Arnoux, formerly Judge of the Superior Court; Matthew Hale of Albany, George M. Diven of Elmira, J. Newton Fiero of Albany, Tracy C. Becker of Buffalo, William H. Robertson of Westchester, Edward G. Whitaker of this city and Simon W. Rosendale of Albany, formerly Attorney-General of the State. The new President is Walter S. Logan of this city, who has taken so prominent a part in the movement in this country in favor of international arbitration. The volume contains much matter of interest to New York lawyers and preserves in a permanent form the very instructive address by Judge Oliver Wendell Holmes on "Law in Science and Science in Law," delivered at the annual meeting of the association in January last. This paper should be read by every one who would keep pace with the modern development of the law.

At the recent meeting of the American Medical Association at Columbus, O., the address on State Medicine was delivered by Dr. Daniel Brower of Chicago, who took for his special subject "The Medical Aspects of Crime." Some of his statements will be surprising to those engaged in the administration of the criminal law. He asserted that crime throughout the United States was increasing "in a vastly more rapid ratio" than the population; that "alcoholics were the direct or indirect cause of probably 75 per cent. of all crimes committed," and that an important factor in crime was the constant and rapid increase in the population of our cities. Dr. Brower advocated indeterminate sentences for all crimes, State care for the children of degenerates, legislation to prevent the increase of the unproductive population in cities and the bestowal of the pardoning power upon boards of persons skilled in criminal anthropology.

The Appellate Division of the Supreme Court sitting at Rochester has recently had occasion to consider the obligations of a municipal corporation in reference to nuisances existing upon private property in proximity to a public street and so near the street as to inflict injury upon travellers on the highway. The city of Hornellsville was sued for negligently permitting a shooting gallery to be maintained near one of its streets, so that a bullet fired from a rifle therein rebounded from the target and struck the plaintiff on the sidewalk with such force as to deprive him of the sight of one eye. There was evidence that the city authorities knew or ought to have known that the shooting gallery constituted a nuisance. Nevertheless, the Court held that the plaintiff had no cause of action against the city. "The conclusion is reached," said McLennan, J., "that a municipality authorized by its charter or by general statute to suppress a nuisance wholly upon private property is not liable to a person who sustains injury by reason thereof, because of the fact that such municipality failed to pass an ordinance prohibiting the same, or failed to enforce such ordinance if passed, notwithstanding its continuance rendered travel upon a public street of such municipality dangerous and unsafe."

The Court of Appeals decided a small batch of cases on Friday and adjourned until the 2d of October. The only decision affecting the affairs of this city which we notice in the list is one which sustains the right of the Comptroller to remove an inspector in the bureau for the collection of city revenue for inability to balance his books or add up his collections correctly. He was afforded an opportunity to make an explanation, before removal, as required by the Civil Service law of 1898, but insisted that he was entitled to be tried formally upon charges, as policemen are tried before the Police Commissioners. The lower courts held that no such formal procedure was contemplated in the case of a person holding such a position, and the affirmance shows that the Court of Appeals must have taken the same view. The Court of Appeals carries over several important cases. One of them is Greef vs. the Equitable Life Assurance Society, which involves the right of a policyholder to enforce as against the entire surplus of the defendant a provision that such policy during its continuance shall be entitled to participate in the distribution of the surplus of the society. Another case of interest is that of Howard C. Benham of Batavia, who was convicted of murdering his wife by poison. The Court of Appeals gave two whole days to the hearing of this appeal.

The law frequently teaches people that even trespassers have rights which cannot be disregarded with impunity. A lesson of this kind is afforded by a recent decision of the Supreme Judicial Court of Massachusetts. A lot of boys went into the kitchen of a restaurant where they had no business to be. In order to scare them away the proprietor poured some water upon the hot stove. The heated water struck the legs of the boys and scalded them. One of the boys brought a suit against the restaurant keeper to recover damages for his wrongful act, and a verdict for the plaintiff has been upheld on appeal, although it distinctly appeared that the defendant did not intend to scald the trespassers, but merely meant to frighten them out of his kitchen. It was held to be sufficient to make him liable that his act specifically contemplated the plaintiff's presence and was directed against the boy, whom it obviously involved in some danger. The court in its opinion remarks that a trespasser is not *caput lupinum*. This phrase, which means "having the head of a wolf" and was anciently applied to outlaws, is not often found in American judicial literature.

The question whether the anti-gambling amendment to the Constitution of New Jersey had been lawfully adopted or not was settled on Monday by the decision of the Court of Errors and Appeals at Trenton, upholding the action of the State Board of Canvassers, which had proclaimed its adoption by a sufficient number of votes. It is necessary to the adoption of a constitutional amendment in New Jersey that it shall receive the votes of "a majority of the electors qualified to vote for members of the Legislature voting thereon." It was alleged that ballots cast by voters thus qualified had been rejected and not counted, but the court held the presumption to be that the election officers had acted rightly, and had rejected ballots only for legal cause. If so, such ballots were not to be deemed votes at all, either for or against the amendment. Indeed, the exclusion of legal votes, through an honest error of judgment of the election officers, has been held insufficient to avoid an election.

There is a statute in Indiana which declares it to be a misdemeanor for any person or corporation to coerce or attempt to coerce employees by threatening to discharge them on account of belonging to a lawful labor organization. An indictment under this law has been adjudged insufficient by the Supreme Court of that State because it omitted to allege what the employees was coerced to do. The court refused to pass on the constitutionality of the statute, having pronounced the indictment defective on the ground stated.

Erysipelas Finishing a Bludgeon's Work.

Clarence Carmer, a negro, 28 years old, of 237 West Sixty-first street, was arraigned before Magistrate Teale in the Coney Island Police Court yesterday and held to await the result of the injuries of Walter Walling of 234 West 123d street, whom he is accused of having assaulted and robbed on Coney Island on the morning of June 2. Walling is now in the Flower Hospital, suffering from erysipelas as a result of the assault. It is thought he will die.

Carmer, it is said, has confessed that after beating Walling into unconsciousness with a club he robbed him of his money, watch and other valuables.

B. Altman & Co. MONDAY, JUNE 26th.

4,500 YARDS SUMMER SILKS,

ORIGINAL PRICES 68c. TO $1.25 — 48c. PER YARD

LADIES' SHIRT WAISTS

AT THE FOLLOWING EXCEPTIONALLY LOW PRICES:

COLORED PERCALE, ... 55c.
COLORED MADRAS AND PERCALE, 85c. & $1.45
FANCY WHITE LAWN, 95c., $1.50 & 1.95

(SECOND FLOOR.)

Eighteenth Street, Nineteenth Street and Sixth Avenue.

EVIDENCE MELTED IN COURT.

The Stolen Ice Was a Bucket of Water When the Case Was Called.

The Snitkin of 50 Hester street who announces himself as a wholesale ice dealer left a 5-cent piece of ice yesterday morning in front of the store at 359 Grand street. When he turned his back to cut up another piece for Ginger McGinnis, the pushcart peddler, who, at this season, is selling sliced watermelon, Samuel Mitz, 8 years old, of 72 Orchard street, grabbed the piece of ice from the sidewalk and ran down Essex street with it. Snitkin seized his icepick and started in pursuit, at the same time crying: "Police! murder! vatch, tieves! Mine ice! mine ice!"

About fifty men and boys joined in the chase, but Policeman Dooley of the Eldridge street station was in the van, and he overhauled the robber after a chase of two blocks. The policeman borrowed a pair of handcuffs from Snitkin, and, holding the boy with one hand and carrying the stolen ice with the other, marched to the Essex Market Police Court. It was not yet 8 o'clock, and at Dooley's earnest request Janitor Manning put the cake of ice in a tin pail.

"If I don't have that ice as evidence," said Dooley, "I lose my case."

It was nearly 10 o'clock before the case was reached, and Magistrate Deuel dismissed it without waiting to hear Snitkin's twenty-four witnesses.

"Vere is der ice?" asked Snitkin as he started to leave the courtroom.

"There it is," said Court Officer McKenna, pointing to a pail of water.

The heat of the courtroom had melted the evidence. Snitkin was frantic with grief, and before any one could stop him he rushed up to the Magistrate and wailed:

"Please, Mister Chudge, vill you pe so kindt as to make dot liddle poy bay me mine fife cents for der ice?"

A policeman grabbed Snitkin and ejected him from the courtroom. When Snitkin reached the sidewalk he shook his fist at the courtroom and yelled:

"Oh, vat a shame! Such a court and such a Chudge!"

J. J. COGAN AHEAD OF EDWARD.

Brother's Suit for $40,000 Shows No Cause of Action.

The complaint in the action brought some time ago by Edward V. Coogan against his brother, James J. Coogan, President of the Borough of Manhattan, the latter's wife, Harriet, and her mother, Mrs. Sarah Lynch, is held by Justice Truax of the Supreme Court on demurrer to be defective, but the plaintiff is allowed to serve an amended complaint on payment of costs.

The brothers Coogan were formerly in the furniture business together. In the present action it is alleged that when the firm dissolved in 1893 Mrs. Lynch owed the firm $100,000, which she has not repaid, and that in collusion with James J. Coogan she is trying to prevent the plaintiff from getting his share of this money, which he says is $40,000. He says that the $100,000 was put by Mrs. Lynch into the Polo Grounds and other property and that he should have an equitable lien upon the property to the extent of the $40,000.

In holding the complaint defective Justice Truax says that suit is brought for a partnership debt wrongfully withheld, but there is no allegation in it to show that the plaintiff would be entitled to the whole of what he sues for. It might be, says the Court, that there are other debts of the firm which would have to be paid from partnership assets.

MARINE INTELLIGENCE.

MINIATURE ALMANAC—THIS DAY.

Sun rises.... 4 29 | Sun sets.... 7 34 | Moon rises. 9 21

HIGH WATER—THIS DAY.

Sandy Hook. 8 48 | Gov. Isl'd. 9 20 | Hell Gate. 11 18

Arrived—SATURDAY, June 24.

Ss St. Paul, Jamison, Southampton and Cherbourg June 17.
Ss Lucania, McKay, Liverpool June 17 and Queenstown 18th.
Ss St. George, Classen, Gibraltar.
Ss Newlyn, Trebilcock, Newcastle.
Ss Westhall, Morgan, Liverpool.
Ss M. L. Villaverde, Aldanir, Havana.
Ss Cherokee, Smith, Boston, Shields.
Ss Idaho, Marshall, Hull.
Ss Lancaburg, Sterling, Matanzas.
Ss Pocahontas, James, Gibraltar.
Ss Jamestown, Baker, Norfolk.
Ss Tomanche, Colchester, Jacksonville.
Ss City of Birmingham, Burg, Savannah.
Ss Stag, Bruce, Boston.
Dark Francisco, Scarpate, Alexandretta.
U. S. transport Burnside, Laffin, Havana.

[For later arrivals see First Page.]

ARRIVED OUT.

Ss Augusta Victoria, from New York, at Hamburg.
Ss Campania, from New York, at Liverpool.
Ss Friesland, from New York, at Antwerp.
Ss Norge, from New York, at Christiansand.
Ss Europe, from New York, at London.
Ss Tauric, from New York, at Liverpool.

SAILED FROM FOREIGN PORTS.

Ss Etruria, from Liverpool for New York.
Ss Bremen, from Bremen for New York.
Ss St. Louis, from Southampton for New York.
Ss Noordland, from Antwerp for New York.
Ss La Champagne, from Havre for New York.

SAILED FROM DOMESTIC PORTS.

Ss City of Macon, from Savannah for New York.
Ss Colorado, from Brunswick for New York.

OUTGOING STEAMSHIPS.

Sail Tuesday, June 27.	*Main Cabin.*	*Vessel Sails.*
Comanche, Charleston		3 00 P M
Trave, Bremen	7 00 A M	10 00 A M
Excelsior, New Orleans		3 00 P M
Sail Wednesday, June 28.		
St. Paul, Southampton	7 00 A M	10 00 A M
Majestic, Liverpool	9 00 A M	12 00 M
Westernland, Antwerp	10 30 A M	12 00 M
Yucatan, Havana	1 00 P M	3 00 P M
Matanzas, Tampico	1 00 P M	3 00 P M
Hilduir, Curacoa	11 00 A M	1 00 P M
Willowdene, St. Kitts		3 00 P M
Sail Thursday, June 29.		
Fuerst Bismarck, Hamb'g	7 00 A M	10 00 A M
Koenigin Luise, Bremen		10 00 A M
Athos, Colon	1 00 P M	3 00 P M

INCOMING STEAMSHIPS.

Due To-Day.		
Alabania	Glasgow	June 9
Hesperia	Gibraltar	June 10
Tallahassee	Savannah	June 21
Hildebrand	Barbados	June 14
Letitia	Havre	June 17
City of Rome	Glasgow	June 18
Manitou	London	June 15
Panama	Bordeaux	June 11
Critic	Dundee	June 11
Due Monday, June 26.		
Fuerst Bismarck	Hamburg	June 18
American	London	June 14
Paraense	Para	June 14
Alsatia	New Orleans	June 20
Georgia	Glasgow	June 14
Colorado	Brunswick	June 23
Due Tuesday, June 27.		
Kaiser Wm. der Grosse	Bremen	June 20
Kensington	Antwerp	June 17
Maas	Rotterdam	June 15
Werkendam	Amsterdam	June 18
Caracas	La Guayra	June 18
El Monte	New Orleans	June 22
Hudson	New Orleans	June 21
City of Macon	Savannah	June 24
Due Wednesday, June 28.		
Aller	Gibraltar	June 10
Friedrich der Grosse	Bremen	June 17
Persia	Gibraltar	June 14
Nueces	Galveston