THE WORLD IS BETTER OFF.

ATTORNEY-GENERAL GRIGGS ON ADVANCES IN JURISPRUDENCE.

A Strong Summary of the Changes Wrought in the Nineteenth Century—Law's Delays Lessened—General Respect for Courts—The Abolition of Slavery and the Many Changes in Procedure—An Eloquent Picture of the "Good Lawyer."

NEW HAVEN, June 26.—The annual address to the graduating class of the Yale Law School was delivered this afternoon to the members of the class and many of the alumni of the Yale Law School, who are in this city to attend the Yale commencement exercises, by John W. Griggs, Attorney-General of the United States. His subject was, "Advances in Jurisprudence in the Nineteenth Century." He said in part:

"There may be here and there persons of narrow observation or despondent temperament who, because all evils, all suffering, all wrongs are not exterminated, will still insist that the tendency of humanity is downward, that the condition of the people all the while grows worse instead of better, and that the proper attitude of the mind in these latter days should be one of solemn sadness, bemoaning everything that seems askew to their ideas, and pronouncing judgment of condemnation and contempt against those who refuse to join in the pessimistic dirge. But let any person whose experience goes back for even one generation compare social and economic conditions at that time with those that prevail now and he cannot fail to find that in innumerable ways the general prosperity and comfort of the people have been immeasurably increased.

"Even the dry census statistics will prove this; but more forcible to each one's mind will be the results of his own observation. Regard the education, the intelligence, the manner of living, the improvement of ordinary dwellings, the food on the table, the clothes that are worn, the books that are read, the newspapers that come every day, the shortened hours of labor, the holidays, the increase of travel and visitation, the extension to the masses of the privileges of art, the literature and science, which but a short time ago were obtainable only by the wealthy—consider the extension and improvement in all these things, as well as in the scientific inventions and appliances that tend to promote business, improve manufactures, extend commerce and create wealth, and everybody will admit without a moment's hesitation that the people are living better than in any other period of the world's history. This is our judgment as to the nineteenth century in this, its closing year. The record is one of prodigious growth and expansion, of multiplication in wealth and resources and, above all, of amelioration in the condition of all classes of people.

"Wonderful have been the accomplishments of science, of invention, of discovery, and the resultant dividends to the people have been in the form of vast increase in material wealth, in individual comfort, and in the general average of personal happiness. Only those are true gains in the world's opinions which tend to the improvement of the condition of mankind and to their greater happiness. The standard of individual comfort and happiness has been raised by the operations of this century to a higher point than ever was known anywhere in any era of the world's history.

"Let us review the course of jurisprudence, especially in America, and see whether that department of human government has kept pace with the general progress of civilized society. Invention and discovery have revolutionized the means of internal communication and made the uttermost parts of the earth like neighboring regions. New forces and novel processes have been adapted to the use of mankind in every branch of industrial, commercial and social life, adding immensely to their wealth and convenience. Substantially, our system of jurisprudence remains unaltered from that which our fathers obeyed and administered when the nineteenth century first dawned. With 45 State Legislatures annually or biennially engaged in enacting, amending, supplementing and revising and constantly issuing vast volumes of new statutes, it is remarkable how little alteration has been made in the substantial system of English law which we inherited from the mother country and which still remains a steadfast system of justice, the foundation of our civil rights and liberties.

"Changes indeed there have been, some for the better, some, perhaps, for the worse. Most of them have been in procedure rather than in the matter of substance or principle. There has been a vast acceleration of legal process from summons to execution that is in keeping with the more rapid business requirements of the times. The refinements and complications of practice both in the law and chancery courts, which formerly prolonged to unreasonable lengths the pursuit of justice and made it more prudent for many to bear the ills they had than to fly to others that they knew not of, have given way to more direct, more simple and expeditious courses of procedure whereby justice has been made not only more certain, but more speedy, thus increasing general confidence in the courts and adding immensely to the respect and authority inspired by a system of just and equal laws efficiently administered.

"If we could recall some lawyer of the old days, some ancient sergeant or bencher of the Inner Temple, and set him down among the bar in one of our modern courtrooms to observe the trial of a case, he would recognize the same rules and precepts, the same principles of justice with which he was familiar a century ago. He would note, however, a decreased observance of form and ceremony, a more rapid and direct progress of the trial towards the essence of the case, and would learn that many ancient rules of procedure, once supposed necessary for the protection of litigants and the attainment of a just judgment, have been supplanted by more liberal and straightforward methods under which the administration of law is now conducted to more speedy and satisfactory results. He would learn, for instance, that all the old refinements concerning the law of evidence by which the testimony of the parties and those interested in the result of the suit was excluded as incompetent are now abolished and every one permitted to testify freely, leaving it to the Court or jury, which must determine the truth of the matter, to weigh and decide how the interest of the witnesses as well as their bias, their partisanship, their prejudices and their ability to report the truth should affect the judgment or the finding.

"If he would inquire as to the nature of the changes that have been made both in the principles of the law and in the mode of procedure he would doubtless be struck with one remarkable circumstance which reflects the highest credit upon our jurisprudence and speaks most eloquently of the merciful tendency of our nineteenth century civilization. He would learn that all the old elements of cruelty, excessive rigor and judicial oppression that used to be cited as a cause of reproach to English and American law have been removed in the interest of a broader and a more humane justice, which refuses to inflict undeserved and cruel suffering upon either the criminal or the unfortunate debtor.

"This century has witnessed the practical abolishment of the evils and horrors of poor debtors' prisons. Out of a more refined spirit of humane sympathy, under the modifying influences of general prosperity and a larger average of personal comfort among the population, came an intolerance of the idea that any one guiltless of crime or fraud should lose his liberty merely because of his poverty or misfortune. Those who are familiar through literary works with the pitiful condition of those confined in the poor debtors' prisons of Great Britain must not assume that such a system was peculiar to that country, and that we in America have always been free from similar reproach. Such is not the case. On the contrary, until about the end of the first half of the century imprisonment for simple debt was the prevalent law in every State of the Union. In one year, during the second term of President Jefferson, 1,130 persons were confined for debts of $25 or less in New York city alone, and we will appreciate the poverty of the time as well as the general hardness of heart among the so-called "creditor class" of that day when we further learn that of the 1,130 cases, 590 were for debts under $10. Imagine the outcry of horror and indignation which would rise at such a condition in our day. Indeed, one can hardly point to a single modification made either in substantive law or in judicial procedure during the century that has not been in line with the humane spirit and more generous instincts that characterize the upward trend of society and social life.

"So we find that legislation has been very active along similar lines. The general health and safety of the community have become, within proper limits, objects of public concern, and statutes relating to sanitation, health, food, personal safety from accident, water supply and pollution are now an important part of the statute law of every State. In the exercise of the police power the Government has become very active in regulating many things which used to be left to the unrestrained and reckless control of individual judgment or caprice.

"Any review of the century's ameliorations would be incomplete, indeed, if it failed to include that one of all others, the most far reaching and stupendous in effect and involving in its establishment the most gigantic struggle that our nation has ever known between the adherents of two different theories of personal rights as applied to a particular race. I refer to the overthrow of the system originally recognized by our fundamental law and approved by the judgment of our highest Federal court which gave to one man the right to take the person and the services of another as a matter of authority and ownership of that class of persons who, in the language of Chief Justice Taney, for more than a century had been regarded as beings of an inferior order, and so inferior that they had no rights which the white man was bound to respect, and might be justly and lawfully reduced to slavery for the white man's benefit. The barbarous and degrading institution of human slavery has been discarded from our system, and in place of it stand those glowing sentences of the Thirteenth and Fourteenth amendments.

"Notwithstanding many efforts, legal experts have not yet succeeded in producing a civil code acceptable as a substitute for the unwritten precepts of the common law. Criminal codes and codes of procedure have been perfected and established, and have been accepted with more or less satisfaction. The rules of practice in equity have likewise been modified so as to remove the old methods of delay which were resorted to by defendants merely for that purpose. Instead of a successive demurrer, plea and answer, the rules allow these three forms of pleading to be combined in one, and in some jurisdictions provide for the hearing and disposition of an issue raised by demurrer upon motion after very brief notice. The whole tendency of court practice, both at law and in equity, is toward the speedy disposition of cases, and if there be complaint of delay in any instance, it is ascribable more to the outside arrangements and manipulations of the counsel than to the disposition of the court or lack of opportunity to be heard.

"These improvements in our jurisprudence have not been without their effect upon the public mind. The law's delay is no longer a phrase used in common reproach against our judicial system. There have been in our century many instances where popular ignorance, prejudice and narrow-mindedness have caused temporary checks and retrogression in the course of improvement which our legal system has followed. Every year has had its own examples of absurdities in legislation; but the antidote of repeal has sooner or later been administered. The most interesting and perhaps the most serious movement of this kind was that made early in the century, when the relations with the mother country were not as cordial as they now happily are, which had for its object the banishment of English law from the American courts. These attempts to limit the sources of light and knowledge were the product of popular ignorance, inflamed by the passion and hatred which were aroused by the hardship and suffering that ensued from the unfortunate conduct of England toward this country. The responsible members of the bench and bar, of course, understood the folly and inutility of such measures, and were generally opposed to their adoption.

"It is a pleasing thing to observe the popular respect now paid to the judgments of our courts. Not that public sentiment always agrees with the wisdom of judicial proceedings. It is a shrewd and critical age, and many a man who never looked into a statute book, and whose acquaintance with a Court House is merely a passing one, will boldly challenge the correctness of judgments pronounced by the highest courts of the land, provided they happen to clash with his political creed. But rare is the American citizen who is base enough or so lacking in respect and loyalty for our institutions as to impugn the honor or integrity of the bench.

"It is a reckless and demagogic tongue that for political effect will seek in our day to impugn the motives or slander the integrity of the courts when their decisions happen to contravene the tenets of a political platform. It is of more importance that the administration of justice should be honest than that it should be inerrant; and public confidence in the integrity of the courts is absolutely necessary for the maintenance of our institutions. This confidence our courts possess, a confidence that trusts to their judgment, with perfect faith in their uprightness and impartiality, the life, the liberty and the property of us all, conscious that the rights of no man, however poor or humble, shall be adjudged adversely for any fear, favor, gain, reward, or the hope thereof. Our temples of justice are undefiled. To those who minister therein the hearts of the people are affected with reverence and regard. Amid a prevalent irreverence that spares from familiarity and criticism not even the most august and sacred things in life there prevails toward our judicial institutions a popular sentiment of respect and veneration.

"Viewed from the standpoint of to-day, in the light of our experience, taking into account the temporary periods of popular and political passion which have momentarily retarded or diverted its progress, the growth of law during the century has been an exhibition of popular wisdom and sound sense, and an expression of the best instincts of humanity trying to attain the goal of perfect justice, based upon the moral and religious sentiments of the times, marred as we view the past by some wrong views of life and of the various classes of men toward each other, but tending always to its own uplifting and perfection, as the mollifying influences of ease, comfort and contentment were increasingly felt among the people.

"The vast increase in the number and volume of commercial transactions and the enormous growth of accumulated wealth result in more frequent necessity for the bestowal of trust and confidence in others. The multitude of business of these times and all the interests and properties involved cannot be carried on or properly cared for except by calling in the numerous modern agencies devised for the assistance of those who have more money than can be prudently locked away in the strong box. Hence savings, the trust company, life insurance corporations, building and loan associations, fill a place of tremendous importance in the business world of our day. The extreme value and importance of the function which they so successfully discharge for the thrifty members of society make it prudent to guard by every possible preventive device against fraud and unfaithfulness on the part of those who administer the business of such agencies; but because prudence has thus provided, it is not correct to infer that defalcations would otherwise become universal. If unfaithfulness were the rule and not the exception no fidelity company would be able to survive its first year's issue of policies. I decline to believe in the low morality that is so frequently attributed to the business world. I believe the average of men are better, more honest, more high-minded to-day than they were when this closing century began. The world cannot grow in all the sentiments that make for liberty, for generosity, for humane amelioration, the criminal and the unfortunate without gaining at the same time in fidelity and common honesty.

"I speak to you, members of THE GRADUATING CLASS; I commend to you the cultivation of a spirit that will enable you to take a healthy, sound, and cheerful view of the struggles and movements of society, of law, and of government, believing that their tendency is toward improvement and elevation. The best function of the lawyer is that of legal guidance to show how pitfalls may be shunned and collisions avoided and to point out the pathway that may be followed in peace. In law as in medicine an ounce of prevention is worth a pound of cure. Litigation among clients, like war among nations, should be the last resort. The lawyer should be a peacemaker.

"For your exemplar let me commend the ideal of the good lawyer. I do not say the great, but the good lawyer, an ideal that has been realized in the life of every substantial city and Court House towns, especially in the older neighborhoods. A man of kindly and benignant disposition, friendly alike with his well-to-do and his poorer fellow townsmen, acquainted with their habits and individual history and with a pretty accurate notion of their opinions and prejudices, as well as of their ways and means; genial and sociable, yet dignified and self-contained, and of staid and comfortable appearance; in manner alert, in conversation always moderate and respectful; shrewd in his observations, wise, but with perennial humor and love of pleasantry; as a citizen always concerned and active in the interests of his town, his State and his country; not an agitator nor a perpetual faultfinder, nor giving out the intimation that he is better or wiser than others, but ready to confer, to adjust, to agree, to get the best possible if not the utmost that is desirable. To him the people turn in local emergencies for guidance and counsel on their public affairs, even partisanship fearing not to trust to his honor and wisdom; so free from all cause of offence that there is no tongue to say a word against his pure integrity; too dignified and respectable to tempt familiarity; too genial and generous to provoke envy or jealousy; revered by his brethren of the bar; helpful and kindly to the young; in manner suave and polite, with a fine courtliness of the old flavor which Clarendon described in John Hampden as a flowing courtesy toward all men; successful, of course, in his practice, but caring less for its profits than for the forensic and intellectual delight which the study and practice of the law bring to him. He knows much of the old 'learning in the law,' can tell of fines, of double vouchers and recoveries of the 'rule in Shelly case,' though he keeps all these things in mind as collectors treasure their antiques and curios, more objects of art and historical interest than of practical utility. His mind is grounded upon the broad and deep principles of jurisprudence rather than upon 'wise saws and modern instances,' but over all is reflected the illumination of a strong common sense and a refined tactfulness.

"In the judgment and feelings of the community there is something of the venerable and illustrious attached to his name, not for his learning in the law, nor for his success as an advocate, not for his mere usefulness to his fellow citizens as a counsellor and guide, but for the benignant influence of his whole life and character, and when he dies, to every mind there comes a suggestion of the epitaph that shall most fittingly preserve the estimate which the people have formed of him: 'The Just Man and the Counsellor.'"

Flynn Dies of His Wound.

Dominick Flynn, who was stabbed during a fight in front of Mrs. Mary McFadden's saloon, in Laurel Hill, on the outskirts of Long Island City, early Sunday morning, died in St. John's Hospital shortly after 3 o'clock yesterday afternoon. Hugh O'Neill, who is said to have done the stabbing, is in the same hospital, dying from a pistol shot wound in the back.

In Placing Your Advertising

For the season, be certain THE SUN is on your list. The number of leading summer resort advertisers who use THE SUN are in themselves an indorsement of the value of the paper as a profitable medium.—Adv.

ON VAUDEVILLE'S STAGE.

OSCAR HAMMERSTEIN OPENS HIS VENETIAN TERRACE GARDEN.

First Entertainment in the Odd Resort on the Roof of the Victoria Theatre—Charles Dickson in "To-Morrow at Twelve"—A New Sketch at Proctor's.

The theatrical public knows that whatever Oscar Hammerstein does is done oddly, and so there is always a crowd to see him do it for the first time. He opened his Venetian Terrace Garden last night on the roof of his Victoria Theatre. The singularities of this new auditorium, with principal stage in the centre, and a separate two-story stage at one side, were described in THE SUN of yesterday. The garden was really not ready to open last night. Much of the tin and wood was unpainted, and hardly any of the plants were in place. It was finished enough, however, to show it to be one of the airiest and coolest resorts in the city. The effect of the stage in the middle was new. It looked much like a prize ring. Tables were all around this and between it and the main stage. The performers had to pass through the part where the audience was seated to get to the platform.

The performance began with a band concert on the main stage. Then the platform was used. Farnum and Nelson, acrobats; Johnson Brothers, trick bicycle riders, and Gautier with his trained bulldogs gave their acts there. The effect was much that of a one-ring circus. The people at the tables nearest seemed to become nervous, however, after one of the bicyclists fell off the platform, wheel and all, among them. Belle Davis, the singing negress, sang some "coon" songs. She was accompanied by five negro boys, who assisted her amusingly. But, alas! the platform almost caused their ruin. Some men in the audience conceived the fiendish idea of throwing pennies to the boys. The boys stopped coke walking, singing and everything to scramble for the money. The first man only gave a lead to half the others on the roof. Pennies were simply poured on the platform and bedlam reigned.

In the excitement Gus Rogers of the Rogers Brothers, who was in an upper box, dropped a glass of champagne down into the crowd. But a little event like that went unnoticed. The audience and the negro boys seemed much pleased by this unexpected part of the show. Miss Davis smiled, but looked as though a weight had fallen upon her customest soul.

The rest of the first part of the show, which was given on the platform, included the two Esquimaios, wire walkers, and Getti's monkeys, some surprisingly clever trained simians. An intermission followed, during which the orchestra moved from the stage to the roof garden level. Part of the rest of the show was given on the main stage. It included Catherine Bartho, Astarte, Dr. Miller, the Baki-Kataba troupe and Herbert's trick dogs. The audience crowded the roof and seemed anxious to enjoy themselves. And they did. Although in midsummer, it was nevertheless a characteristic first-night assemblage.

There was a novel twist to the fun of yesterday's one-act play at Keith's. Its scene was a studio rented by the hour to painters who could not afford to have such a place all to themselves. The plan of the owner of the studio was that but one artist should be his tenant at a time, but by the story of the play two artists had it at the same hour. Kathryn Osterman was the first to arrive. She made ready her easel, paints and a statuette as her model before retiring to dress for her work, and partitioned her corner from the rest of the room by a screen. Charles Dickson entered, arranged his materials at the other side and moved the statuette to his corner before going into the next room to lay aside his coat. When it was clear to both that neither had the room exclusively, a contest began for the statuette. The woman seized it and carried it behind her screen, but as she would not permit the man so that he could get a fair view of it, he chose her for his model. As his picture was to be one of *Catherine*, he needed an angry expression. He was able to keep that on her face for a few minutes by his pretence at endeavoring to make her acquaintance. But when she discovered that his picture was her own likeness, he laid for another moment the expression he desired to copy. Once she had discovered his trick, however, she meant to smile continuously to defeat him. His remarks then were aimed to anger her, and when for an instant he turned her from her smiling face to the screen, he painted as rapidly as he could while that expression lasted, resuming his impertinence so soon as she recovered herself. The changes from her mechanical grimace to an unintentional but earnest frown were frequent and amusing. At the end of the sitting the picture was unfinished, but the model and its artist were so reconciled that its completion was assured. Noon of the following day was the woman's next tenancy of the studio and was to be her next sitting, so "To-morrow at Twelve" was taken as the brief play's title. Grant Stewart was its author. Yesterday's performance of it was Miss Osterman's first appearance in vaudeville.

A new sketch used yesterday at Proctor's, at the introduction of Comedians Forman and Frazer on our vaudeville stage, was described in the bill as a "new society comedietta," though just what social set it was meant to picture was hard to judge. Certain it is that such manners do not prevail in fashionable New York. The "team" was slightly amateurish in an uncertainty of movement, but not without talent. The man Frazer showed a good deal of undeveloped ability, and had, also, that rare thing in vaudeville, a refined manner. The bit of a play introduces him as a wealthy man who thinks that a guying article in a society weekly refers to him. He visits the office with the intention of horsewhipping the editor. When he returns he is in the mood means the caller. What could be more natural in a continuous show sketch than that she should mistake him for some one else than what he is. A capitalist has promised to back her brother in some scheme. She therefore takes the horsewhipping gentleman home to dinner. "Crusoe" is the sort of sketch, which is also much in vogue in vaudeville, follows. A song is sung, a teacup is broken, and various other hilarious things happen. Finally, the scion of high society finds out that the objectionable article was intended to satirize Perry Belmont and not himself. The woman in the case discovers that the weather is cold. A fire must be built, but there is no wood in the house. The horsewhipper breaks up his whip and makes a blazing fire out of it. They sit by it and coo while the curtain goes down.

BOY PRISONER HITS OUT IN COURT.

Gives His Brother a Black Eye and Says It's to Remember Him By.

Charles Glick, 16 years old, of 50 Jefferson street, was a prisoner in the Essex Market Police Court yesterday, charged by his brother Bernard, 24 years old, with being wayward.

"You'se wait. I'll get hunk wid you fer gettin' me here," said the lad to his brother while the clerk was drawing up the complaint.

"You will be out of bad company anyway," said the complainant.

A moment later the prisoner aimed a blow at his brother, hitting him in the eye.

"Now," he shouted, "I'se given yer a black eye to remember me by."

When the Magistrate heard of the assault he committed the boy to the Island for three months.

DIED OF OLD AGE AT 94.

Elliott's Wife Reached the Age of 92 and All His Relatives Lived to Be 90.

William Elliott died yesterday at his home, 554 West Thirty-fifth street, of old age. He was 94 years old. Elliott, who was a cabinetmaker, fractured his hip bone by falling down stairs in March last. The bone never knitted again and the accident contributed indirectly to the cause of his death.

Elliott was born in county Donegal, Ireland. He came to the United States in 1824 with his wife. She died in 1862 at the age of 92. Elliott had a large furniture factory in Charlton street for several years, but lost it by fire about the time of the civil war. He was a total abstainer all his life and had not used tobacco for the last forty years. All his relatives, he often said, lived to be 90 years old or more.

Blockade on the Bridge.

Shortly after 2 o'clock yesterday afternoon one of the motors of a Brooklyn elevated railroad car burned out as it came over "the hill" at the New York end of the Brooklyn Bridge. The train stopped and blocked the road while an investigation was made to learn what the trouble was. The fire was put out with buckets of water, kept handy for that purpose, and the next train behind shunted the disabled one forward. It took half an hour to straighten matters out and get the train service working smoothly again.

Motorman Blamed for Passenger's Death.

A Coroner's jury which investigated the case of Miss Sophia Noster, 22 years old, of 32 Greenwich avenue, who died in St. Vincent's Hospital on June 4 of a fractured skull received by being thrown from a Fourth avenue car from which she was alighting, censured the motorman. The jury held that the woman came to her death "owing to the fact that the car was started before deceased had both feet on the ground."

JURY WANTS PRISONER RELEASED.

Objects to a Sentence Passed in Special Sessions and Demands Its Reversal.

A jury in the Court of General Sessions yesterday brought in a verdict acquitting a man who had been on trial for assault and demanding the release of a man who had been sentenced by the Justices of Special Sessions to a term of imprisonment on Blackwell's Island and who appeared as a witness in this case.

The case was that of John Ryan of Forty-ninth street and Third avenue, who was arrested last May at Seventh avenue and Twenty-sixth street on a charge of assaulting Constantine Georgieropolis, a Greek fruit peddler, of 17 Roosevelt street. Witnesses testified that Ryan and the fruit peddler quarrelled over a banana and the peddler attempted to stab Ryan, who struck him and took the knife away. The fruit peddler grabbed a club and chased Ryan, but a passerby named John Moran got between the men and took the club away from the Greek. The latter had him arrested on a charge of assault. Ryan was arrested also. In the Court of Special Sessions Moran was sentenced to sixty days on the Island.

Moran was brought into court as a witness yesterday and told his story. On hearing the verdict Judge McMahon explained that the jury had nothing to do with Moran's conviction.

"Well, he's not guilty and he shouldn't be in prison," the foreman remarked.

Judge McMahon again told the jurymen that they only had Ryan's case under consideration, but the jurymen stuck to their request. Finally Judge McMahon said that he would direct Ryan's counsel to bring the case to the attention of the Justices of Special Sessions, with a view to trying to have the wishes of the jury complied with.

"It is a shame to have that poor fellow, Moran, in a convict's uniform," said one of the jurymen when court had adjourned. "Cases like this should be reviewed by Special Sessions so rapidly that the Justices scarcely take time to find out all of the facts. If they fail to order Moran's release, Gov. Roosevelt ought to interfere and pardon the poor fellow."

SARATOGA LIMITED'S RETURN TRIP.

Fast Time Made Despite Several Unexpected and Unusual Delays.

The Saratoga limited, with about twenty passengers and General Passenger Agent George H. Daniels's party of forty guests, who went to Saratoga on the first trip of the train on Saturday, returned to New York yesterday morning, arriving at the Grand Central station eight minutes late. The train left Saratoga at 7 o'clock A. M. and made the run to Albany in fifty-three minutes, a distance of thirty-eight miles. The change from Delaware and Hudson to New York Central engines was made in two minutes, which broke all New York Central records for similar work.

The fast mail was reported at Albany an hour late out of Chicago and the limited had to wait nearly ten minutes on a siding at Hudson for the mail to come along. A little further down the road the engine, big 1007, developed a hot box, necessitating another stop. At Poughkeepsie the engine had to be abandoned and a local took its place. Between Poughkeepsie and Staatsburg, for a distance of ten and a half miles, the local engine pulled the train in nine and a half minutes. Other stretches were made in even faster time. It was figured out that between Albany and New York about eighteen minutes were lost in unavoidable stops, ten of which were made up.

Mr. Daniels arranged yesterday to have the newspaper train, which leaves New York about 4 A. M., make faster time between New York and Albany so that the passengers on the southbound trips of the limited can get their morning papers in Albany. The first regular trip of the limited was made yesterday afternoon, fifty passengers being carried to Saratoga.

DEATH SENTENCE FOR NEGROES.

Convicted in Baltimore of an Assault on a Colored Girl.

BALTIMORE, June 26.—For the first time in the history of Baltimore the sentence of death was to-day imposed for rape on a colored girl. Three negroes are to suffer the penalty, their victim having been a 13-year-old colored girl. Those who will be hanged are Cornelius Gardner, Charlie James and John Myers. The child they assaulted is Annie Bailey. In imposing sentence Judge Wright, after reviewing the case, said:

"Fearing there might have been some mistake made, although the evidence was convicting, I requested a careful and conscientious detective officer, who had not been connected with the case, to reinvestigate the circumstances of this crime and find out, if possible, anything that might weaken the effect of that evidence; to find out all of the circumstances so far as he could that might by any possibility have swayed the verdict of the jury. After an investigation made by him, he reports to me that there are no circumstances that he could discover which would have changed the result. I had this investigation made not because I doubted the truth of the evidence on the part of the State in any sort, but that the justice of the sentence about to be imposed might be beyond the possibility of mistake so far as human foresight could guard against it."

ACTRESS CHARGED WITH PERJURY.

Another Actress Says She Testified Falsely in Supplementary Proceedings.

Miss Adelaide Kellam, an actress known on the stage as Adelaide Worth, was arrested last night by Detective Connor of the Centre Street Court squad, on a warrant issued by Magistrate Crane, charging her with perjury. She was locked up for the night in the West Thirtieth street station.

The complainant against the woman is Mary Beal T. Maris, who is also an actress. Miss Maris lives at 102 West Thirty-seventh street. In February last she sued Miss Kellam to recover $1,800 which she declared she had lent to Miss Kellam, together with a diamond necklace. Miss Kellam denied the loan. Soon afterward she appeared before a referee in supplementary proceedings, in the course of which she was asked if her father, Morris K. Kellam, who died in October, 1897, had had his life insured. She answered in the negative.

Miss Maris produces affidavits by the officers of the Equitable Life Assurance Society to show that Mr. Kellam was insured for $1,000 for his daughter's benefit and that the money was paid to her. The warrant for her arrest was issued more than a week ago, but Detective Connor was not able to find Miss Kellam until last night.

SEA CAPTAIN FOUND DEAD.

Gas Turned Half On in His Room, but He Died Apparently of Apoplexy.

Capt. Christopher Rafen of the Norwegian bark Skomvaer was found dead in his room in the Stevens House yesterday by a chambermaid. The doors and windows were closed and the gas was turned half on. The Captain lay under the gas jet. To all appearances he had fallen in an apoplectic fit while attempting to light the gas. The police, however, reported the death to the Coroner as probably a case of suicide.

Capt. Rafen was 64 years old. He brought the Skomvaer here on May 18 and had been living at the Stevens House since then. The bark is to sail for Java soon.

Christopher Ravn, the Norwegian Consul, who knew Capt. Rafen well, said that the Captain was a cheerful man and had no reason for ending his life. A son of Capt. Rafen lives in Orange, N. J.

His Last Address Was the County Jail.

In the mail received at the county jail in Jersey City yesterday was a letter with this address: "To Gentleman at House No. 595 Newark Avenue, Jersey City, N. J." On the lower left hand corner of the envelope was written "Please open." The house 595 Newark avenue is the county jail. Bookkeeper Ambrose Lynch opened the letter and found that it contained an earnest appeal from Miss H. Mendler of Little Rock, Ark., for information about Edward Durkee. The writer said that the last time Durkee was heard from he was stopping at 595 Newark avenue. His wife is sick and very anxious to hear from him. When Durkee was stopping at the above address it was not from choice. He had been convicted of grand larceny, and was serving a term of three months. The term expired in March, and he was discharged.

Peacemaking Brother Stabbed.

Charles McIntyre, 24 years old, of 212 Young street, Long Island City, was stabbed by his brother yesterday morning in front of McCarthy's saloon at 19 Borden avenue. Charles went to North Beach on Sunday evening with his brothers, James and Patrick. They returned to Hunter's Point on a trolley car at 2 o'clock yesterday morning. Patrick and James had a dispute on the sidewalk, and Charles tried to settle it by stepping between them. James pulled out a pocket knife and made a lunge at his brother Patrick. The blow fell short, but the blade penetrated the left breast of Charles, who was between them. Charles was taken to St. John's Hospital, where it was said last night that his condition was critical. James was locked up in the Queens county jail.

CONTRACTS AND A PULL.

HARLEM BUILDER HAS BOTH IN OPERATION.

Residents of 115th Street Compelled to Live in a Cloud of Dust Caused by the Screening of Dirt in Vacant Lots Adjoining Their Houses—Streets Piled with Dirt.

The story in THE SUN on Sunday relative to the manner in which Naughton & Co., the contractors who are constructing the trolley subways on the Boulevard, were dumping gravel and dirt in Ninety-sixth street, to the great annoyance of the residents of that part of the city, was the cause of the sending of the following letter, which was received at THE SUN office yesterday:

TO THE EDITOR OF THE SUN—*Sir:* In line with the complaint of a citizen published this day in your paper, I desire to call your attention to the proceedings of a contractor who has possession of a large vacant parcel of ground on the north side of 115th street, near Seventh avenue. Not content with hauling a mountain of dirt to this dumping place, he causes the same to be screened there every day. As a consequence hundreds of householders are forced to breathe the dust laden air, the adjacent houses are filled with clouds of fine dust, furniture and tempers are spoiled, and there appears to be no end to the affliction. The "Board of Health" has been appealed to in vain. Is there "no balm in Gilead" for the sorely afflicted folks in the vicinity of contractors' pet dust factories?

EUGENE H. LEVY.

A SUN reporter who went to investigate the statements in the letter found that Mr. Levy had not exaggerated. The lot to which he refers extends along 115th street for half a block between St. Nicholas and Lenox avenues. For a space of fifty feet it extends through to 116th street. The lot is piled up with gravel, small stones, and dirt for a height of at least ten feet. For the last six weeks, a force of men has been working every day screening this dirt. It is said that the contractor sells the sand that he thus secures. None of the workmen employed there yesterday would tell the name of the contractor. Another man said he thought the contractor's name was Johnson, but that he did not know his address.

The dirt comes from an excavation for a series of flat houses on Lenox avenue, between 114th and 115th streets. Here, too, there is an enormous pile of dirt that covers one-third of the street and is fully ten feet high. It is confined by a double row of barrels. One of the men working on the new building said that he believed that the contractor's name was Johnson, but he, too, had forgotten his address.

Mr. Levy lives at 110 West 115th street. He said last night that the dust was so bad that even in the hottest weather the windows of all the houses had to be kept closed. Even then the fine dust pervaded the apartments so that good furniture and lace curtains were ruined. A number of the neighbors corroborated Mr. Levy's statements, and said that they could not understand why the Board of Health had paid no attention to the complaint Mr. Levy sent them ten days ago. Whereat Mr. Levy laughed.

NO FEDERAL STEEL INJUNCTION.

Kerns, Who Brought the Bill, Has It Dismissed on His Own Motion.

TRENTON, June 26.—Vice-Chancellor Grey at Camden to-day dismissed the bill of Kerns and others to restrain the Federal Steel Company from paying any dividend on common stock before Jan. 1, 1900. The bill was dismissed without prejudice on motion of Henry I. Budd, counsel for Kerns and the other preferred stockholders who instituted the suit.

Kerns bought twenty-five shares of Federal Steel preferred and got a temporary injunction on Monday of last week restraining the payment of a dividend upon the common stock. This proceeding resulted in a decline on the New York Stock Exchange in Federal Steel common. Kerns set forth in his bill of complaint practically that under the charter of the company the dividends for the year on the preferred stock must be paid before any dividend could be paid on the common. In this interpretation of the charter he ran counter to the general opinion in Wall street. The dividends on the preferred for the year had been earned and set aside to be paid when due before any dividend on the common was declared.

Vice-Chancellor Reed had set July 3 for the Federal Steel Company to show cause why a permanent injunction should not be issued restraining the payment of any dividends on the common stock until after the close of the year. The directors of the American Steel and Wire Company on Friday last decided in view of the pending litigation against the Federal Steel Company, not to declare any dividend upon the common stock of that company.

ALL THERE BUT THE BRIDEGROOM.

Joy Eclipsed for a While, but Restored by a Golden Wedding Feast.

HICKSVILLE, L. I., June 26.—Miss Dora Schlimm's wedding has been postponed indefinitely, and a score or more of angry relatives of the young woman will demand an explanation from Max Weisenberg, should he venture to show his face in this village again. Weisenberg is a machinist, employed in New York city, and he had been courting Miss Schlimm for some time. Sunday was the golden wedding anniversary of Miss Schlimm's parents, Mr. and Mrs. August Schlimm, and it was suggested that it be made a double celebration by having the marriage of Dora take place at that time.

It is said that young Weisenberg agreed to the proposition, and on Thursday he went to the city to buy a ring. No word was received from him during the interval between Thursday and Sunday, and the preparations for the marriage went on. The house was filled with guests on Sunday, but the day waned and Weisenberg failed to appear.

It looked as if merriment had fled altogether when the old couple came to the rescue and went through the marriage ceremony, and the missing bridegroom was forgotten in the festivities that followed.

Can't Get Back Into the Fire Department.

Supreme Court Justice Marean in Brooklyn has denied an application made on behalf of Walter B. Hartough and fifteen others for a writ of mandamus directing Fire Commissioner Scannell to reinstate them as laborers in the department. The applicants were formerly employed in inspecting fire hydrants, and Commissioner Scannell transferred them to the department of water supply. At the latter place they were told there was nothing for them to do. They then reported back to Commissioner Scannell, who dismissed them. Since then the firemen have inspected the hydrants.

Police Commissioner Becomes Police Sergeant.

When the Hoboken Police Commissioners met yesterday afternoon Commissioner Patrick Hayden offered his resignation. It was accepted, and a few minutes later a resolution was passed appointing Hayden Police Sergeant to fill the vacancy caused by the death of Sergt. Henry Rathjen. Hayden was slated for the place shortly after Rathjen's death a month ago, but as he has never done active police duty it was expected that the board would advance a roundsman of long service to the place.

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Thirty-second and Broadway.

THE YACHT RACE TRAGEDY.

Neither Body Recovered from the Water—The Dot's Owner Quite Sailing.

Commodore George G. Tyson of the Riverside Yacht Club was out in his steam yacht all day Sunday and yesterday looking for the bodies of William E. Rockwood and the sailor, John H. Mitchell, who were drowned from the catboat Dot during Saturday's Seawanhaka-Corinthian yacht race. The only trace he found, however, was the cap worn by Mitchell, which he picked up about one mile northeast of Centre Island. As the accident occurred in about eight fathoms of water, it is highly improbable that either of the bodies will be recovered before nine days elapse, this being the accepted time for a body to rise to the surface in cold water.

C. T. Pierce, the owner of the Dot, is prostrated from grief, and fears are entertained by his family that he may have brain fever. Mr. Rockwood was a schoolmate and life-long friend of Mr. Pierce. Immediately upon landing on Saturday he had his boat pulled up on the ways and put her out of commission, declaring that he would never sail another yacht.

NEW BATTERY AT SANDY HOOK.

Changes at the Proving Grounds to Make Way for Rapid-Fire Guns.

Active preparations are on foot at Sandy Hook for the building of a rapid-fire seacoast battery at the southern end of the line of defences which run down the shore from the point of the Hook. In order to make room for this battery the proving grounds for testing cannon are being removed about 500 feet from their present location. This not only interferes with the work of the Ordnance Board, but involves considerable labor. The range must be changed, and the machine shop near the bomb proofs must be moved and new foundations will have to be built upon which to mount guns in the proving tests. Because of these changes no work in the way of testing big guns or carriages is now being carried on.

MARINE INTELLIGENCE.

MINIATURE ALMANAC—THIS DAY.

Sun rises.... 4 30 | Sun sets.. 7 34 | Moon rises 10 26

HIGH WATER—THIS DAY.

Sandy Hook 10 35 | Gov. Isl'd 11 07 | Hell Gate. 1 00

Arrived—MONDAY, June 26.

Ss Fuerst Bismarck, Barends, Hamburg June 18 and Southampton 19th.
Ss City of Rome, Young, Glasgow and Moville June