CASE AGAINST GEN. ROE.

GEN. M'COSKRY BUTT FILES HIS CHARGES WITH THE GOVERNOR.

Thinks That Roe Acted Without Authority in Assigning Visiting Troops to Armories During the Dewey Celebration—The Papers Referred to the Attorney-General.

ALBANY, Nov. 10.—Gov. Roosevelt to-day received the charges which Gen. McCoskry Butt has prepared against Major-Gen. Roe, commander of the National Guard. The charges are based mainly on Gen. Roe's action during the Dewey celebration in assigning up-State troops to certain armories on Manhattan Island belonging to organizations in Gen. Butt's brigade. The charges cause no concern here, and it can be stated that the outcome will in no way reflect on Gen. Roe. The charges have been referred to Attorney-General Davies by the Governor, with a request for an opinion concerning the legality of the action of Gen. Roe.

The news from Albany yesterday that the charges preferred against Major-Gen. Charles F. Roe by Brig.-Gen. McCoskry Butt of the First Brigade of the National Guard had been received by the Governor, created great interest in National Guard circles. Coupled with the announcement from Albany of their receipt by the Governor, came information as to the exact nature of the charges, which so far have been only a matter of conjecture. Gen. Butt resents what he considers official slights and violations of the Military Code, and running all through the charges is the suggestion that the act on is taken to prevent further encroachment on the prerogatives and rights of brigade commanders. The charges are the outgrowth of the Dewey Day parade, when Gen. Roe assigned various commands to the different armories. They are three in number, with several specifications. Charge 1 alleges violation of section 143, Military Code, which reads as follows:

"Armories shall be used only by troops and cadet corps of organizations of the National Guard and Naval Militia, and for such other military purposes as may be approved by the Adjutant-General, except that they may be used by posts of the Grand Army of the Republic or other veteran organizations of honorably discharged Union soldiers, sailors or marines of the late war, as provided in section 137 of this chapter, and by educational institutions where military instruction is imparted, with the approval of the commanding officer of the armory and his brigade commander, provided the military instructor of such institution is an officer of the Army and Navy of the United States or has within five years passed an examining board for officers of this State."

This section of the code was slightly amended last winter so as to compel the giving of a bond by the outside organizations using the armories to ensure against any damage to State property. In asserting that this section was violated it is understood that Gen. Butt lays stress upon the fact that Gen. Roe quartered bodies of troops not belonging to the New York Guard in the armory of the Twelfth Regiment without the order of the Governor and without the consent of the commanding officer of the brigade and the Colonel of the regiment, and also that the bond required by the military law was not furnished. The date of those alleged infractions of the code is Sept. 28.

Another specification in the first charge goes more into detail and refers to the assignment of troops of the up-State organizations in the armories of the First Brigade. These were the First Regiment to the Seventh Regiment armory, the Second Regiment to the Twenty-second Regiment armory and the Seventy-fourth Regiment to the Ninth's armory. These assignments, it is said, are held by Gen. Butt to have been made without the order of the Governor, permission of the brigade commander or the filing of bonds.

The principal specification of the second charge is that Gen. Roe took upon himself the authority of the Governor in sending the Pennsylvania regiment to the armory of the Twelfth Regiment. The section of the code dealing with such a case is that which treats of "conduct prejudicial to good order and military discipline."

The order assigning the Ninth Pennsylvania and the Washington Light Infantry to the Twelfth Regiment armory on Sept. 28, which is on file in Col. Dyer's headquarters, was sent direct to the Colonel without having passed through brigade headquarters. If Gen. Roe had no authority for this action, his conduct would fall under that section of the code which deals with "unofficerlike and unmilitary conduct," and information from Albany makes it clear that this is the nature of the third charge.

A prominent officer of the Guard said yesterday: "The reference of the charges by the Governor to the Attorney-General shows that he will act impartially in the matter."

Gen. Butt declined absolutely yesterday to say a word about the charges. Of the rumor that he might resign in the event of the charges not being allowed, he said, with a smile: "I won't resign now, and don't expect to for twenty-five years."

Col. Alexander S. Bacon, Gen. Butt's counsel, would only say yesterday that the disallowing of the charges by the Governor would end military procedure in the matter, but significantly added that "other action" might be taken. This remark has much significance, taken in connection with Gen. Butt's remark some weeks ago that he would hereafter have his brigade run in accordance with military laws if he had to go to the civil courts.

MISSING BOY TURNS UP.

Dudley Ray Dickinson Looking for His Uncle in Bloomingdale, N. J.

BLOOMINGDALE, N. J., Nov. 10.—Dudley Ray Dickinson, of 310 Belleville avenue, Newark, the ten year old boy who has been missing since Monday, and who it was feared had met with foul play, is safe here. Covered with dust, he walked this afternoon into the grocery of Ball Brothers and asked for something to eat. His tired condition and attractive appearance drew attention and the boy finally said that he wanted to find his uncle, named Ackerman, who lived, he said, in the place. J. A. Ackerman, a clerk in the store, said that he was the only man of the name in the village and talked with the boy. While he was doing so a customer who overheard the conversation recalled an account he had read of the missing Newark boy. He hunted up a paper and found that the description tallied.

When the boy was questioned he admitted that his name was Dickinson and that he lived in Newark. He denied that he was lost and said that when he left his aunt's house, at 97 Arch street, on Monday, he decided to visit his uncle at Bloomingdale. He has no uncle there, it appears, but has relatives in Crystal Lake, a few miles away and probably got the places confused. Clerk Ackerman notified the Newark police. He took the boy to his home in Butler, just across the line in Morris county to-night, and to-morrow will take him back to his own home in Newark.

MRS. MAUD'S MARRIAGE A FAILURE.

Cleveland Young Woman Who Wedded an Englishman Seeks Divorce.

CLEVELAND, Ohio, Nov. 10.—It was announced that Mrs. Walter De S. Maud, who married an Englishman three years ago, had asked for a divorce. Before marriage she was Miss Daisy Gordon, daughter of Charles Gordon, and grand-daughter of W. J. Gordon, who gave Gordon Park, worth millions, to the city. The petition was filed in Akron by Mrs. Maud's attorneys, Virgil P. Kline and C. W. Fuller. Cruelty and neglect are the charges.

Mrs. Maud stands high in Cleveland society. She was married to Mr. Maud in New York. They spent their honeymoon in Europe. Mr. Maud is little known in Cleveland. Soon after the end of the wedding trip he went to his Western ranch while Mrs. Maud came to Cleveland. Rumors of a divorce suit have been frequent for a year past. Mrs. Maud is about 26 years old.

FAMILY ALMOST ASPHYXIATED.

Had Moved Into a Flat Fitted with a Patent Gas Regulator.

A French family who took refuge behind the name of Smith to avoid notoriety was almost asphyxiated by illuminating gas early yesterday morning in their apartments at 201½ West Twenty-fourth street. The family moved into the house on Thursday and spent most of the night in unpacking. The tenants in the flat below were frightened by a series of heavy falls above them early the next morning and called a policeman, who found the newcomers, a man, his wife and their nine-year-old son, unconscious. An ambulance surgeon removed them. A patent regulator on the gas jet, it appeared was responsible for the accident. When asked what his name was the man said: "Make it Smith—William, Josephine and Leon Smith."

Court Calendars This Day.

Supreme Court—Special Term—Part II.—Ex parte matters.

Surrogate's Court—Chambers—No day calendar—Proof of heirship—Wills of Philip Schea, Simon Danzig, at 10:30 A. M.

City Court—Special Term—Court opens at 10 A. M. Motions.

RESCUES FROM A BLAZING TENEMENT.

Italian Policeman Saves Three Lives—Firemen Puzzled by Crooked Passages.

Old Cat alley, that runs off Catherine street, near Cherry street, was treated to a fire and three rescues yesterday afternoon. The fire was at 112 Cherry street, which has one entrance on Old Cat alley and another at 90 Catherine street. The upper part is an Italian tenement, which is reached by the Old Cat alley entrance. The fire started in Alfred Wolf's dry goods store on the ground floor at 1:30 o'clock.

Policeman Otto Raphael responded to the cry of "Fire!" He found two women and a man hanging out of the upper windows shrieking for help. The house was full of smoke and the flames were rapidly eating their way to the second floor. The interior of the house is a maze of crooked halls and more crooked staircases and no one but the tenants and Raphael, who had broken up many a fight there, knew the way to the upper floors. While the firemen wandered about in the smoke he made his way to the top floor, where he found Salvatore Carella unconscious and carried him into the hall. There Francesca Marlanka was crouching, little better able to rescue herself than Carella. Raphael dragged both to the street, where an ambulance surgeon revived them.

Raphael went back. He had seen a woman at a window on the second floor, but to get to her he had to break through a door with a glass panel and cut his right hand and head on the broken glass. He carried the woman down, and when he reached the street was scarcely able to stand. The ambulance surgeon restored the woman to consciousness and dressed Raphael's wounds. The fire did $2,000 damage.

WHIPPED THE TEACHER.

An Angry Father in Baiting Hollow to Be Arrested for Assault.

BAITING HOLLOW, L. I. Nov. 10.—A pitched battle was fought in the little red school house in School district No. 4 in this village yesterday between William Linnen and School Principal C. P. Smith. Linnen has two boys who attend the school in district No. 4. Yesterday one of the Linnen boys became unruly and his insubordination finally resulted in open mutiny which Principal Smith quelled with a rod.

At the next session of school the boy's father entered the room and made an attack on the principal, who defended himself to the utmost of his ability but was finally floored. All the children fled from the room and the larger boys climbed up to the windows from the outside and gazed on the combat. When the fight was over Principal Smith gathered himself together and reported the occurrence to School Trustee Charles H. Warner. It was decided to obtain a warrant for Linnen's arrest. Accompanied by Eugene Warner as a witness they went to Riverhead last night to obtain a warrant for Linnen's arrest but Justice Buckingham was away from home. Principal Smith is considered a capable instructor. He has taught in several Long Island school's and it is the purpose of the trustees of this place to uphold him in the present controversy.

A DEMOCRATIC CLUB IN QUEENS.

A Site for a House Conveyed by the Heirs of Roswell P. Flower.

JAMAICA, L. I., Nov. 10.—A Democratic clubhouse is to be built in Long Island City. A plot of ground, 40 by 100 feet, on the northerly side of Fifth street, has been deeded by Sarah M. Flower, Anson R. Flower and John B. Taylor, executors of the will of the late Roswell P. Flower, to John P. Maddes, Matthew J. Smith and Daniel Callahan as trustees. The value of the property is about $4,000.

Just prior to the death of former Governor Flower the Democratic managers of the Borough of Queens were negotiating for this property, and it is said that in the present transaction his wishes have been carried out. The terms by which the club takes title are that upon the erection and completion of the Democratic headquarters, and a letter of the Democratic club of the Borough of Queens shall have been incorporated, the trustees are to convey the premises and house to the Democratic club at the cost price and take back a purchase-money mortgage upon the property and to hold the same as trustees. It is said that sufficient money has been raised to begin the erection of the house.

WHITE AND BLACK GUESTS.

A Mistake of Dr. Clawson's Relatives in Sending Out Invitations.

PLAINFIELD, N. J., Nov. 10.—A reception was held last evening by Dr. Marcus L. Clawson and his bride of a few weeks, at their home in East Front street. While there is a very kindly feeling between the colored and white people of the city it is not customary for them to attend the same social functions. Now, when the relatives of Dr. Clawson made out the invitations they utilized his calling list. Among the doctor's patients are a number of colored people, but the relatives who made out the invitations were not aware of the fact.

When the guests assembled it was discovered that some were dark and some were light. This was a surprise to all. The colored guests, however, were quietly invited into one room, while the white guests were entertained in another; the doctor and his bride dividing their time between the two. The colored people felt honored that they should be remembered by their white physician, and although they appeared a little uneasy when they learned the situation, their feelings were relieved by the cordial hospitality of the bride and groom.

BRANN'S COURT NO DAY NURSERY.

Women with Babies Warned to Keep Out Because They Excite the Magistrate.

There were a dozen women carrying babies in the Essex Market police court yesterday when court opened. When in a few minutes one of the members of the Essex Market Bar Association gave some back talk to Magistrate Brann, who pounded the gavel on his desk with his accustomed vigor, the noise startled most of the babies and they began to cry. The Magistrate endured the racket for a few minutes, and then rising in his seat he shouted above the din:

"Officers, remove all women with babies. If any of them have any business here tell them to go home and leave their babies and come back. I want them to understand that this is no day nursery."

The policemen did as directed and no more babies got into the courtroom all day.

Rutger's 133d Anniversary.

NEW BRUNSWICK, N. J., Nov. 10.—The one hundred and thirty-third anniversary of the granting of the charter of Rutgers College was celebrated in Kirkpatrick Chapel this morning. The chapel was crowded with students and their friends. The degree of Doctor of Laws was bestowed upon Prof. William M. Sloane of Columbia University. The degree of Doctor of Divinity was conferred upon the Rev. John D. Adams of the Brooklyn Heights Reformed Church. A memorial library was opened in Queen's college building. The library was given by Mrs. Catharine Weston in memory of her son, Henry Janeway Weston.

Anti-Pool Selling Law Declared Unconstitutional.

BIRMINGHAM, Ala., Nov. 10.—In the cases of the five pool sellers arrested on Monday at the State Fair Grounds for violating the Alabama anti-pool law, Judge Feagan of the Inferior Criminal Court decided at noon to-day that the law is unconstitutional. Pool selling will go forward without restraint.

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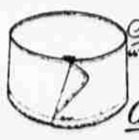

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WARSZAWIAK ASKS MONEY.

THINKS $50,000 WOULD PAY HIM FOR WHAT HE HAS SUFFERED,

And Intimates That He Would Take $25,000 and Call It Square with the Fifth Avenue Church—Will Resign When His Claim Is Settled—He Threatens to Bring Suit.

Herman Warszawiak, the converted Jew, who was restored to membership in the Fifth Avenue Presbyterian Church, after a stormy meeting of the session on Thursday night, Nov. 2, thinks, now that he has been cleared of all the charges against him, he is entitled to remuneration for what he has suffered in mind and reputation during the last two years. He calculates that about $50,000 will be sufficient to repair the damage done to him, and as an extra inducement for the church people to come to a speedy settlement he offers to resign from the congregation, to which he has just been restored, as soon as a favorable answer is made to his proposition. In addition, it is said by certain friends of his that he will institute a suit for damages against the Rev. Dr. Schauffler, who began the proceedings against him, and another against the City Mission Tract Society.

After hearing of his vindication by the session of the Fifth Avenue Church, Warszawiak sent the following letter to William Irwin, chairman of the committee which drew up the resolution exonerating him:

"117 SECOND AVENUE,
"NEW YORK, Nov. 9, 1899.

"DEAR MR. IRWIN: I understand that you wish me to ask for a letter of dismission to-night, and I write to say that I can't consider such a step until your verdict of last Friday night restoring me to membership in the Fifth Avenue Presbyterian Church has first been announced from the pulpit as was the verdict of suspension in June, 1897, and your having taken some steps to repair the injuries suffered by me as an innocent man. As soon as this is done I can assure you that I will only be too glad to sever my connection with the Fifth Avenue Presbyterian Church. Yours very truly HERMAN WARSZAWIAK."

When Warszawiak was seen yesterday and asked what steps he thought ought to be taken to repair the injuries suffered by him, he said:

"Personally I do not think $50,000 would be too much as a reparation for the injuries suffered by me since I was forced out of the Fifth Avenue Church in 1897, and I do not see how they can offer me less than $25,000. The suspense and anxiety of having to wait nearly three years for vindication have been very intense. Those years have cost me every dollar I had in the world, and two children. Dr. Patterson, who has defended me throughout, has suffered with me. His championship of my cause cost him the pulpit of the East Harlem Presbyterian Church."

Asked if he intended to sue the Fifth Avenue Church if it refused to make a money settlement with him Warszawiak said that he was confident that such a course would not be necessary as the church must appreciate its obligation too fully to refuse to repair the damage it had done.

"I shall probably leave the Fifth Avenue Church at once," said Warszawiak. "I liked to attend that particular church because of my attachment for the late Dr. John Hall. Now that he has passed away, there is no particular reason why I should remain. I have been the cause of a controversy in the church and it is best for the church that I should leave it. I shall probably ask for my letter and join some other Presbyterian church.

"The action of the session in my case ought to be final. There was absolutely no evidence against me except some stuff that was trumped up by professional detectives who were going on with my work of converting Jews at 424 Grand street, and I shall continue to do so. That is all I can say about myself at the present time."

The Rev. Dr. Schauffler was at the head of the City Mission Tract Society, when Dr. John Hall secured employment for Warszawiak with the society's mile with the society that Warszawiak received a sum of money, said to be $11,000, from some ministers in Edinburgh, with which to establish a temple for the conversion of Jews in New York. Warszawiak never told Dr. Schauffler about this money, but Dr. Schauffler learned of it in Scotland the following year. There was trouble when Dr. Schauffler returned. He objected to Warszawiak, as an employee of his society, collecting money for outside purposes. Warszawiak then resigned from the society and went to Europe. He was accused by Dr. Schauffler of mishandling funds. When he returned from Europe he showed a receipt from a Glasgow bank for the money he had collected. He said he had returned it to the ministers who had sent it to him. Dr. Schauffler has been a consistent enemy of Warszawiak ever since, and it will not be at all surprising if the converted Jew brings a suit against him.

LONG ISLAND DEER SEASON ENDS.

William Keran Kills Two Deer with One Shot—Buck Sent to Dewey.

PATCHOGUE, L. I., Nov. 10.—The deer shooting season on Long Island ended to-day. There were but few hunters out and the number of deer killed was less than on any of the other three days of the season. The season has been fairly good, about 175 deer having been killed. Among the hunters out to-day was the Rev. Karl O. Salzman, of the German Lutheran Church of Greenport. He brought down a fine doe. William Keran of Manhattan, who was with the party of gunners near Hauppauge, killed two deer with one shot. He fired at one and the shot from his gun hit the companion doe, killing both. This was the most remarkable record of the season. Another peculiar instance was the chasing of a big buck from the forest into the Great South Bay at Oakdale by a pack of dogs. Fritz Hansen, employed at the oyster shanty of Jacob Ocker's, swam out to the deer and ended the animal's life with the butt end of an oar.

It is possible, in view of the accident at Oakdale last week, in which Peter Duryea was accidentally killed by a friend, that the hunters will assemble and suggest some change in the present laws, which will lessen the excitement of the sport. It has been suggested that the season either be entirely closed, or that it be extended to the middle of November.

A big buck that was shot by a party of hunters jacklighting on the preserves of the South Side Sportsman's Club last night was dressed and forwarded as a wedding present to Admiral Dewey. Watchman Skidmore had been warned yesterday to look out for a jacklighting party, and about 9 o'clock, as he lay in wait, he saw a light and the next instant a gunflash. Rushing forward, Skidmore found two men with the buck. They ran away, leaving the dead deer behind.

Theatrical Notes.

George V. Hobert has been called in to aid in the completion of "Broadway," the burlesque that is being written for the New York.

E. H. Sothern and his company, including Virginia Harned, are rehearsing a translation of Hauptman's "The Sunken Bell," but will not appear in it until their Boston engagement, two weeks hence. Mr. Frohman says that it will be brought to New York in the spring, either to Daly's or the Knickerbocker. At that time Mr. Sothern will make his much-he alded appearance in "Hamlet."

Augustus Weinberg will replace Richard Carle in "Children of the Ghetto" when that drama goes to London. Walter Hale has resigned from "A Stranger in a Strange Land" to go with Stuart Robson in "Oliver Goldsmith."

Nov. 18 has been decided upon as the date on which to open the Theatre Comique, formerly Sam T. Jack's.

"The Greatest Thing in the World," by Mrs. Henry C. DeMille and Harriet Ford, has been selected by Liebler & Co., as a suitable play in which to put Mrs. Le Moyne forward as a star.

"Wilhelm Tell" was acted at the Irving Place last night in commemoration of Schiller's birthday.

Allegheny College Alumni Dinner.

The second annual dinner of the Allegheny College Alumni Association of New York city was held at the St. Denis last night. W. N. Ridge, president of the association, was toastmaster. The speakers were: Miss Ida M. Tarbell, '80, the editor of *McClure's Magazine*, on "Allegheny College Training;" Dr. Jonathan Hammett, '59, on "Reminiscences of Sixty Years in College Work;" Col. Ira Ayer, '61, on "Allegheny in the Civil War;" Charles W. Deane, '84, on "The Alumni;" the Rev. J. Alexander Vance, on "College and Ministry;" the Hon. George McLaughlin, '64, on "Allegheny in '64;" the Rev. Loyd L. Swisher, '99, on "Allegheny Men at Drew," and Dr. William H. Crawford, president of the college, on "Allegheny College and the Twentieth Century."

W. C. T. U. Wants Dawson City Reformed.

HALIFAX, Nov. 10.—The convention of the Woman's Christian Temperance Union of Canada began here to-day. The Dominion Government was memorialized regarding the wholesale immorality which the union alleges exists in Dawson City with the full knowledge of the officials there.

Col. Baxter Has an Attack of Pneumonia.

ELMIRA, Nov. 10.—Col. Baxter, Clerk of the Assembly, has an attack of pneumonia. On Tuesday he was one of the most energetic workers at the polls and he contracted a severe cold. This evening his condition was not considered alarming.

MISSED FROM A TRAIN.

Fireman William A. Frazee May Have Fallen Into Newark Bay.

PLAINFIELD, N. J., Nov. 10.—William A. Frazee, a fireman employed by the Jersey Central Railroad, and who lived at 73 Broadway, Brooklyn, has been missing since last Saturday night, when he started out on his engine, which was in charge of Engineer S. A. Brown. The run is between Communipaw and Mauch Chunk and they usually take a coal or freight train. Saturday night they had a long train of empty coalers to take to Mauch Chunk. After the train pulled out the fireman was noticed walking out on the engine where he fixed the headlight. After his return to the tender Engineer Brown did not see him again.

Before the bridge, that crosses Newark Bay, was reached, the engineer called to Frazee and told him that he wanted more steam. There was no response. Soon afterward he again called to his fireman and told him that if he did not attend to the fires he would have to do the work himself. Again he received no response, and he became anxious. He made a hasty investigation and to his great astonishment found that Frazee was not on the engine. He knew that he had seen him before crossing the bridge. He immediately whistled for his head brakeman and the two made a diligent search, but the fireman could not be found.

The engineer then decided to go to Elizabethport, where he telegraphed word to Jersey City concerning the mysterious case. He was instructed to sidetrack his train, take his engine, return and look for the fireman. This was done, but after persistent search not a trace of the missing man could be found. Brown then received word to proceed, which he did after securing another fireman.

Since that time a persistent search has been made to discover the whereabouts of Frazee. The railroad officials believe that he fell from his engine into Newark Bay and was drowned and that his body has gone out with the tide. No ideas of foul play are entertained by those who know the circumstances. Frazee was a young man and had been in the employ of the Central for some time. He was considered a reliable fireman and was very steady in his habits.

MR. ERWIN'S LETTERS.

Postmaster Armbruster Doesn't Believe Any Were Thrown Away.

William O. Armbruster, Postmaster at Union Hill, positively contradicts the statement made by John J. Erwin, the defeated Republican candidate for Sheriff of Hudson county, N. J., that a large portion of the mail he had sent to North Hudson had been thrown into a creek or burned. Mr. Erwin said that 200 of his letters had been found in a creek in New Durham and that a large number had been burned in North Bergen. Mr. Armbruster, who is a stalwart Republican and who was deeply interested in the success of the Resublican candidates, says that Mr. Erwin has been misinformed.

"There is no mail delivery in North Bergen," said the Postmaster, "so the letters for that place were given to members of the Republican Town Committee to distribute. The letters for New Durham were cancelled at this office with Mr. Erwin's consent, in order to facilitate their delivery. If they had gone through the regular channel they would have been too late for distribution. I gave them to Edward Rowland and three other members of the Republican Committee and hard party workers, to distribute with the other official election matter they were going to distribute.

"Yesterday a man living in Union Hill, known as Joe Broadway, came to me shaking with excitement and produced the torn and dirty fragments of several letters, saying he had found them under a barbed wire fence in New Durham. He said that Mr. Erwin's mail had been thrown that way and he wanted to see Mr. Erwin about it. These fragments were simply parts of the envelopes and looked as if the receiver had taken out the contents and then naturally thrown the envelopes away."

Mr. Erwin insists that his mail was tampered with and says he has proof of it in his possession. He also says that a Postoffice Inspector is investigating the case.

WANTS $40,000,000.

Cabdriver Nelson Engages John P. Stockton, Jr., to Get It from the Bank of England.

Thomas Nelson, a cabdriver in Fort Lee, N. J., and his sister, Mrs. Mary Storms, have engaged John P. Stockton, Jr., a son of former Attorney-General Stockton of New Jersey, to put them in possession of a fortune they think has been in the Bank of England for nearly a century. The foundation of the fortune, which is now said to amount to $40,000,000, was laid by James Wood, who was a banker in Gloucestershire. Wood died in the early part of the present century and as there were no claimants for his estate it reverted to the Crown. The real estate was sold and the proceeds, together with the cash and securities that Wood died possessed of, were deposited in the Bank of England.

It is now asserted that James Wood had a brother named Jeremiah, who, after a quarrel with him, emigrated to this country and settled in Long Island. It was supposed that he died a bachelor. Nelson declares, however, that Jeremiah married and left a child, and that he is a direct descendant of Jeremiah's granddaughter who married a man named Nelson. Edward Humphreys, who was a lawyer in this city, became interested in the case about five years ago. He went to England and made an investigation which convinced him that Nelson's claim was good. While on his way back to this country, however, to make arrangements for beginning suit, Mr. Humphreys died.

Assemblyman Lewis Will Again Press His Bill to Repeal the Horton Law.

ALBANY, Nov. 10.—Assemblyman Morton E. Lewis of Rochester, who has been re-elected, was in the city to-day. He said that he proposed to reintroduce at the ensuing session of the Legislature his bill to repeal the Horton law, which allows sparring bouts in clubhouses of athletic associations. The Jeffries-Fitzsimmons and the Jeffries-Sharkey bouts were made possible by the enactment of the Horton law. At the last session of the Legislature Mr. Lewis had not much success in urging a repeal of this law.

Mr. Lewis aspires to be chairman of the Assembly Committee on Cities. He has a competitor in the person of Assemblyman Edward H. Fallows of New York city.

Daughters of the Confederacy to Build a Monument to Jefferson Davis.

RICHMOND, Va., Nov. 10.—Declining to avail themselves of the opportunity to erect a monument to themselves, the United Daughters of the Confederacy to-day decided to concentrate all their energies on the work of raising not less than $50,000 and as much more as can be secured to put up in one of the public parks of Richmond a monument to Jefferson Davis. Chapters of the Daughters all over the State will be asked to push the work.

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ARE just as GOOD SOUPS as CURTICE BROTHERS

Blue Label Ketchup

IS GOOD KETCHUP.

ask your grocer.

WHO WILL TRY MOLINEUX?

TWO COURTS REFUSED YESTERDAY TO TAKE UP THE MURDER CASE.

Recorder Goff Says He Is Unwilling to Hear It Unless Both Prosecution and Defence Consent—The Appellate Division Also Refuses to Try the Case—Nevertheless It Is Said the Trial Will Begin on Tuesday.

The Molineux case came up in two courts yesterday. Recorder Goff in Part II. of General Sessions would not grant the motion of the prosecution to set a day for beginning the trial and the Appellate Division decided that it could not order a special jury panel because the motion for that panel did not follow the case when the case was removed from the Supreme Court to the General Sessions. Although no special jury panel is available, and Recorder Goff refused to name a trial day, declaring that he had a most decided reluctance to presiding at the trial unless both counsel were content that he should, it was stated at the District Attorney's office with the utmost positiveness last night, that the trial would begin on Tuesday.

Recorder Goff was in conference over the Molineux complication for more than an hour before going on the bench yesterday, and did not take his seat until nearly noon. In a statement he reviewed the various moves that led up to the present tangle, emphasizing that the District Attorney had acted upon his own initiative and responsibility and without consultation with the court. There was no question, he said, as to the District Attorney's legal right to act as he had. Whether his course was discreet, Recorder Goff said, it was not for him to determine. It was the duty of the Court to try any case ordered to it by the Supreme Court, as this case had been, but there were peculiar circumstances that the Court must look into, which might impair its usefulness as a trial court for this case.

"In deference to the Appellate Division of the Supreme Court while the motion for a special jury panel is pending, I shall not pass upon the motion of the District Attorney for the setting of a trial to-day." Recorder Goff said: "In addition, I shall not enter upon the trial of this case, if there appears to me to be any complication that would imperil the due course of justice, or evoke any just complaints or criticisms with regard to the attitude of the court toward the defendant. The court would prefer, if this case is tried before it, to have the consent of both the prosecution and the defence. Not that the Court should wait for the consent of the defendant to be tried, for that, of course, would be a perversion of justice and undignified, but there are circumstances and cases which require exceptional treatment, and this court is not at all anxious to enter upon the trial of this case under any circumstances or conditions except those which will secure absolute satisfaction to all parties concerned. I request the District Attorney and counsel for the defence to endeavor to arrive at some conclusion that will be satisfactory to me.

"Justice must be obtained here, even at the expense of delay and even at the expense of personal feelings. The conditions here are so exceptional that I make these observations at this stage of the proceedings in the hope of obtaining a satisfactory adjustment of any differences and happenings that have have surrounded this case with so much uncertainty and given rise to so much criticism and faultfinding."

Mr. Osborne expressed the opinion that there was nothing unfortunate or uncertain about his course in the case and cited precedents for the transferring of the case from one court to another and back again. The very fact that the Court of General Sessions had not been consulted in the transferring of the case, he argued, only tended to emphasize its impartiality and absolute fitness to try the case.

Bartow S. Weeks, Molineux's counsel, here interposed a statement which made it seem plain that the defence is not desirous of having Recorder Goff preside at the trial. "On behalf of the defendant," he said, "I will have great pleasure in presenting to the Appellate Division a complete stenographic report of the proceedings of yesterday and those of to-day. We will submit your Honor's remarks, with the request that the case be sent back for trial here if it was originally set for trial, in the Supreme Court."

Mr. Weeks and Assistant District Attorney Le Barbier went before the Appellate Division yesterday afternoon, when the motion for a special jury panel came up. There were on the bench Presiding Justice Van Brunt, and Justices Barrett, O'Brien, Patterson and Rumsey. The counsel for Molineux had left the Court while the stenographer's minutes of Thursday's and yesterday's proceedings before Recorder Goff. After hearing both sides the Court decided that the motion for a jury panel did not follow the case when it was transferred into the General Sessions Court.

Lord Mayor Tallon to Speak in Philadelphia.

A committee from Philadelphia visited this city yesterday to make the final arrangements for the reception to be given to Lord Mayor Tallon of Dublin and John F. Redmond, M. P., in that city. The Lord Mayor signified his willingness last Monday to speak at a mass meeting to be held there for the benefit of the Parnell monument fund, and the committee upon conferring with him decided to have the mass meeting on Nov. 28. It will be held in Horticultural Hall and it is expected that Gov. Stone will preside.

Capt. Price's Lawyer Must Pay Fine.

Judge Newburger in Part III. of General Sessions yesterday confirmed the action of Magistrate Olmsted in sentencing Henry C. Henderson, Capt. Price's lawyer, to pay a fine of $5 or spend five days in jail. Henderson was convicted of disorderly conduct in disturbing the Mazet Committee one day last June. John Proctor Clarke represented the committee.

JOTTINGS ABOUT TOWN.

A report made to Park Commissioner Clausen yesterday shows that 20,600 persons visited the new greenhouses in Central Park in the first week after the opening.

The Police Board, at its meeting yesterday, granted a pension of $300 a year to the widow of Policeman Faulek, who was killed at High Bridge by falling off his horse, while on duty.

Michael J. Bannon, 5 years old, was run over in front of his home at 48 Amsterdam avenue by a hansom cab yesterday afternoon and died in Roosevelt Hospital. The driver was arrested.

Annie Tighe, 50 years old, who lived at 346 West Thirty-eighth street, died suddenly of heart disease yesterday afternoon in the Northwestern Dispensary at 401 West Thirty-sixth street, where she had gone for treatment.

John H. Hinds, the National Machine Company's stenographer, who ran away to Chicago with a stolen check for $750, was brought back yesterday, pleaded guilty before Magistrate Flammer in Jefferson Market Court and was held for trial.

Mrs. Whitelaw Reid and the servants of her household attended the funeral at the morgue yesterday of Sidney Applin, who died of consumption in Bellevue last Thursday. Applin had been employed as butler by Mrs. Reid for the last eight years.

The judgment of $30,000 which Major George W. Sanford obtained against the city for damages to his property at 135th street and Eighth avenue arising from the construction of the viaduct, has been set aside by the Appellate Division of the Supreme Court, which orders a new trial.

Judgments of absolute divorce were granted in these cases yesterday: By Justice Gildersleeve, to Francis D. Pollion from William C. Pollion, to Clementine Keller from Carl Keller, and to John Hemphill Marr from Fleming, and by Justice Beach to Clara E. Merserau from James H. Merserau.

MRS. KING'S MURDER.

Stamford Police Think That the Boy Charles Cross Is Guilty.

STAMFORD, Conn. Nov. 10.—The members of the Stamford Police force had a busy day of it working on the murder of Mrs. Freeman King, who was murdered on Wednesday night at her home on a lonely spot in the Farms district. The boy Charles B. Cross who lived with Mrs. King and was the first to find her dead is still under arrest, and the police believe he is guilty. There has appeared as yet no very conclusive evidence that he committed the crime. The boy still holds to his first story, that the crime was committed during the ten minutes in which he was out of the house.

Diligent investigation has failed to reveal that any one was about the place on the evening of the crime save young Cross. The police hold that it would be an impossibility for the crime to be committed during the ten minutes in which Cross says he was out of the house. The boy says that he heard no noise while out in the yard. As a result of an autopsy conducted by Medical Examiner Sherrill and Dr. Porter of Bridgeport, Dr. Sherrill says that death was due to a clot of blood on the brain produced by a blow.

One important piece of evidence has been found against Cross. It is part of an undershirt which was picked up in the back yard. There are blood stains on it and it has been found to be a piece torn from the shirt worn by Cross. A small fire shovel was found in the woman's room but it is not thought that this was the weapon used. Freeman King the husband of the murdered woman, has been in town but could throw no light on the mystery. Young Cross gave Freeman's address in New York. It turned out the address he gave was a wrong one. The boy said he had grandparents living in Brooklyn; these were communicated with. They sent word this afternoon that they would not come to town, and when young Cross heard this he was greatly downcast.

KILLED HIS WIFE AND HIMSELF.

Murderer Left a Will Directing That He Be Buried "Crosswise" in His Plot.

ALLENTOWN, Pa., Nov. 10.—George W. Kern, a local hotel keeper, to-day murdered his wife and then committed suicide. They had been separated for several months. To-day he waylaid her as she passed his place of business on a trolley car. He drew a revolver, but she fled. Kern followed, and when he overtook her dragged her through the streets to his hotel, where he shot her in the head, causing instant death. He then went into an adjoining room and killed himself.

Kern left a will in which he bequeathed all his property to his nephews and nieces and directed that his body be buried crosswise in his cemetery lot so that his wife could not be interred beside him.

MONEY IN BRIDGE JUMPING.

Visions of a Fortune to Be Made Sends a Man Early to the New East River Bridge.

A man about 29 years old ascended the granite bulkhead for the new East River bridge at the foot of Delancey street early yesterday morning and after walking around the top for a few minutes, began to take off his clothes. Policeman Murphy reached him just as he was about to remove the last garment preparatory to diving into the river and made him dress again. When taken to the Delancey Street police station the man said he wanted to be the first man to jump off the new bridge so that he could make a million dollars. He is Newman Medovsky, a tailor of 115 Chrystie street. Magistrate Brann in the Essex Market Court, sent him to Bellevue to be examined as to his sanity.

More Boys Spanked in Court.

There was another case of spanking in Recorder Kreba's Court at Kearny, N. J., on Thursday and one of the boys who was whipped by his father was Jimmy McBride, who escaped a spanking for a previous offence because his mother was sick. The other boy was William Eddy. Each is 14 years old. They were laid across a desk and their fathers gave them each a dozen blows with the palms of their hands. The blows were delivered with vigor and the boys howled in a manner which testified to the genuineness of the punishment.

Schwabischen Saengerbund's New Home.

The Schwabisches Saengerbund of Williamsburg took formal possession last night of its new $50,000 building at Myrtle and Knickerbocker avenues. The society is one of the oldest in Williamsburg. The celebration at the building was preceded by a parade which started from