YOUR FEELINGS HURT? SUE.

JUSTICE RUMSEY DECIDES ABIGAIL ROBERSON PICTURE CASE.

Her Picture Used to Advertise a Brand of Flour and Appellate Division Affirms the Finding Setting Aside Defendant's Demurrer—The Right of Privacy Defended.

ROCHESTER, N. Y., July 23.—The Appellate Division to-day decided the Abigail Roberson picture case in favor of Miss Roberson, thereby putting a new phase upon that part of legal procedure which in the past has been construed to mean that injuries to feelings were not actionable, inasmuch as they could not be regarded as property.

Miss Roberson, who is a good-looking girl of 18, living in this city, sued the Rochester Folding Box Company and the Lockport Milling Company for $25,000 damages because they used her photograph without her consent in lithographs to advertise "Flour of the Family," a brand of flour sold by the Lockport company. The lithographs were manufactured by the Rochester Folding Box Company.

Miss Robertson alleged that her right of privacy had been invaded, and a demurrer to her complaint was set aside by Justice Davy. The Appellate Division to-day affirmed Justice Davy's findings. The opinion of the court, which is written by Justice William Rumsey, formerly of the New York Appellate Division, discusses the question from the standpoint of a legal scholar. He says it may be said, in the first place, that the theory upon which this action is predicated is new, at least in principle, and that few precedents can be found to sustain the claim made by the plaintiff, if, indeed it can be said that there are any authoritative cases establishing her right to recover in this action; but while it may be true that the fact that no precedent can be found to sustain an action in any given case is cogent evidence that a principle does not exist upon whi h the right may be based, it is not the rule that the want of a preced nt is a sufficient reason for turning the plaintiff out of court.

Justice Rumsey here quotes from Story's Equity Jurisprudence and of Lord Coltenham in Walworth vs. Holt regarding the rules which should control the court in deciding any case as to which no precedent can be found. It is an established principle of the common law, he adds, that the person and property of every man is inviolate, that neither should be interfered with to any even the slightest extent without his consent. For any such unlawful interference, however slight, an action will lie and the plaintiff is entitled to recover damages, although they may be but nominal in their amount. So far as personal rights are concerned, this rule is based upon the principle that every person has a perfect and complete right of indemnity from all interference with himself, or, as it is distinctly stated by Judge Cooley, he has the right to be let alone. This right extends not only to protection against injury, but against any action which threatens physical harm, although, as a matter of fact, no harm may have resulted from the action. It also applies to every act which in the slightest degree injures the reputation or the character of the person against whom it is directed.

He continues: "The theory is that the right of protection to the person should be complete and perfect, and that no one should be allowed to do any act which interferes or threatens to interfere with the physical comfort or safety or which attacks the reputation or character of any person and thereby affects injuriously his feelings or subjects him to humiliation or disgrace. I do not see why this principle, the object of which is to give to every person a complete immunity from the acts of others which subject him to unnecessary fear or danger, can't be and should not be applied to such an act as is complained of here. The effect of that, as is admitted by the demurrer, is to subject this young woman to humiliation and to bring her good name into disrepute to such an extent that she has been made sick and compelled to take to her bed.

"Undoubtedly, if this had been the result of any act which the law regards as a libel, or which a jury could construe to be libellous in its character, or because of a threat of violence sufficient to constitute an assault, the plaintiff would have a right of action to recover the damages that naturally flowed from such an act. The cause of action in such a case arises from the fact that the defendant has violated the right of personal immunity, the right not to be interfered with, to his damage or danger or discomfort.

"I can see no distinction in principle between an act which without threatening physical harm injures the plaintiff's reputation by words spoken in respect of it, and the like act which injures her feelings and diminishes the respect with which she is held in the community by saying or doing something in regard to her which tends to bring her into unnecessary and unwarrantable notice."

Justice Rumsey differs from the contention of the defence that the law takes no cognizance of mental anguish, but says that other things than interests are to be protected. The court holds that the plaintiff is entitled to maintain the action upon the principle that her personal comfort has been interfered with without her consent and to her injury. That one's features or limbs may be in themselves profitable to the possessor if they are of noticeable beauty cannot be denied, and so far they constitute a right of property which the court will protect. The peculiar formation which made the Siamese Twins unique was exceedingly valuable to them, and the courts would without question have protected them against any efforts made without their consent to photograph or by picture to produce a counterpart of that formation for the purpose of exhibition and thereby reduce the profits they might receive from the exhibition of themselves. So, if the face of a woman, by reason of its beauty, is especially valuable as a model from which the picture of a Madonna could be painted, there can be no doubt that any attempt by photograph to reproduce a face so that it might be sold to a painter, thereby depriving the owner of the opportunity to obtain for herself the profit arising from it, would be a violation of her right of property and would be restrained.

The Court holds that in regard to profits when the person has no intention of making her face or form valuable the same right exists. He then proceeds to discuss various cases both in this country and England, and concludes that the judgment should be affirmed.

ARCHITECT BERNSTEIN'S REPLY.

He Denies That He Filed Dummy Plans for Tenements, as Had Been Charged.

Michael Bernstein, the architect, who is charged by the Tenement House Committee of the Charity Organization Society with the wilful violation of the Tenement House law, in filing dummy plans for sixty-one new tenements before the law went into effect and then filing new plans as amendments to the dummies, which new plans were made to comply with the provisions of the old law, was ready with his answer to the charges yesterday. Mr. Bernstein said:

"The charges against me are made by men who insist on a strict construction of the Tenement House law. Such a construction has worked great hardship to architects and builders of tenements ever since it went into effect. If such a construction of the law is to continue the hardships inflicted on architects and builders will be nothing compared to the hardship inflicted upon tenants in the increased rents they will be obliged to pay. It is true that I made changes in plans that were filed before the law went into effect, but these changes all called for improvements on the original plans, in that more air space and larger courts were provided and the number of rooms decreased and their size increased. If that be transgression of the law, then I have transgressed, and in the way of making better the homes of the poor."

"But how about the statement of Robert W. De Forest, chairman of the Tenement House Committee, that you filed dummy plans for buildings to be put up on lots that couldn't possibly take the proposed buildings?"

"I cannot believe that Mr. De Forest said any such thing, but if he did he said what was absolutely false. I have drawn no plans for buildings not intended for the lots designated in the plans."

Venezuelan Capitalist Here.

Señor Manuel A. Matos, one of the wealthiest men in Venezuela, and until Gen. Cipriano Castro came into power, a prominent figure in politics there, is in this city. He arrived Monday night on the Red D Line steamer Maracaibo. Señor Matos was twice Minister of Finance of Venezuela, the first time in the Cabinet of President Crespo and afterward in that of President Andrade. With the advent of the Castro Administration his prestige received a set back and a year and a half ago he was imprisoned on suspicion of being an enemy of the Government. Señor Matos's visit to this country is purely a pleasure trip.

MUCH SICKNESS AMONG BABIES.

The Floating and Seaside Hospitals of St. John's Guild Are Crowded.

The floating hospital of St. John's Guild have carried during the past week 9,796 children and mothers and the Sea-Side Hospital is crowded, every bed being full, and there are more cases of severe illness among the babies than ever has been known in the history of the Guild. The floating hospitals are crowded daily.

The Lewis Memorial cottage especially designed for the treatment of very ill babies has not a single vacant bed and applications for admission to the Floating and Sea-Side hospitals are so numerous for very seriously sick babies, that those in charge have been compelled to deny admission to some children with only slight summer complaints.

The trustees of the guild are making every effort possible to meet the unprecedented demand for the guild's midsummer hospital service and they appeal to the public for immediate financial aid. Contributions of all amounts are asked for and the utmost promptness in sending them is urged. Checks should be drawn to the order of Isaac N. Seligman, Treasurer, and sent to 501 Fifth avenue.

CITY PAYS ITS BLIND.

Five Hundred and Forty Persons Received $49.47 Each Yesterday.

Four hundred and forty of the city's poor blind went to the Charities pier at the foot of East Twenty-sixth street yesterday and got their year's allowance from the city. Out of the 672 applicants for city aid 640 appeared. Each one received $49.47. In former years it has been the custom to pay the pauper blind $50 each in the order of their application for aid. Under this system there were always from forty to seventy-five applicants each year who applied too late and went without any city aid at all. Last year Commissioner Keller, observing this, asked the city for an increased apportionment, made on the estimate of paying $50 each to all the applicants, satisfied and disappointed, of last year. He did not get quite all the money he asked for. There was reason to fear that a certain number of blind applicants would be disappointed this year.

But last winter a committee bearing credentials as the representatives of the pauper blind of the city came before him and asked that the entire appropriation for the pauper blind be divided pro rata among those who applied for it before May 1. Commissioner Keller agreed to the plan except that he extended the time for applications until July 1.

Every applicant left with the Superintendent of Outdoor Poor a statement of his circumstances and his address. The Charities Department investigated each application and found that it was worthy. Each applicant was notified to appear yesterday before the Superintendent of Outdoor Poor and receive his money.

AFTER VAN SANTVOORD'S FUNERAL

The Body Watched All Night by a Guard of Honor From His Steamers.

The funeral of Alfred Van Santvoord, late President of the Hudson River Day Line, took place yesterday from the home of the family, 38 West Thirty-ninth street. The Rev. Dr. Edward B. Coe, senior pastor of the Collegiate Dutch Reformed Church, officiated. Commenting upon Mr. Van Santvoord's life, Dr Coe said: "There are two words which represent the character of this man. These words are 'respected' and 'beloved.' He was beloved because of his utmost fairness with other men in his dealings with them, and was respected because of the kindness and consideration which he exhibited to every one, especially to his employees."

As an illustration of the esteem in which Mr. Van Santvoord was held by those who worked for him, Dr. Coe referred to the special memorial services which had been held at the request of the captains and crews of the steamboats New York and Albany. Because of their duties the men on these steamers were unable to attend yesterday's services. All the previous night a guard of honor from the two vessels watched over the body.

Among those who attended the funeral were J. Pierpont Morgan, Joseph C. Hendrix, Gen. Thomas L. James, James D. Layng, William R. Grace, E. V. W. Rossiter, Justice Edward T. Bartlett, the Rev. Dr. C. A. Stoddard, the Rev. Dr. Wilton Merle Smith, L. H. King, Prof. R. Ogden Doremus, W. M. K. Olcott, and Harvey P. Farrington. The body will be buried in the family vault in the Albany Rural Cemetery.

MRS. HARRIET B. SMITH'S WILL.

Leaves $40,000 to Charities Out of an Estate of $155,000.

The will of Mrs. Harriet Bacon Smith, a widow, was offered for probate in the Surrogate's office in Brooklyn yesterday. Of the estate amounting to $155,000 about $40,000 is left to charities. The heirs are Mrs. Ann Bacon of Parkway, Winchester, Mass., a sister of the testatrix, and nephews and nieces in St. Louis, Massachusetts and Maine. Edward Prince Col receives sixty shares of the American Exchange Bank of New York "in loving memory of his kind and swift attention" to the testatrix at the time of her husband's death. To several friends and servants there are bequests ranging from $100 to $5,000.

These are the charitable bequests: The Eye and Ear Hospital of Brooklyn, $10,000; United States bonds; Grace Episcopal Church, endowment fund, $10,000; Children's Aid Society of Brooklyn, $4,000; Home of the Aged of the Church Charity Foundation, $5,000; Diet Dispensary of Brooklyn, $4,000. The proceeds of the sale of the house at 167 Jefferson street goes in equal shares to the Church Home of the Blind and the Home for the Aged. In regard to the bequest to the Eye and Ear Hospital, the testatrix says:

"I make this bequest to this institution because of my intense sympathy for this affliction, as I have been ill all my life with my eyes, and as an expression of my appreciation of the great good done to the poor by this institution."

GREEN COPS OUT ON POST.

209 Made Special Policemen to Get Around the Law as to Probation.

If you run across a man in a blue uniform with a policeman's helmet without the usual wreath in front, and a badge marked "Special policeman," don't think he's an impostor for he's a sure enough real thing cop. The 209 probationary men recently appointed by Police Commissioner Murphy went on patrol last night as special policemen. The law says that a cop must serve ninety days' probation, but Col. Murphy needs these in uniform so he has put them to work as "specials" till the ninety days are up. They have all a policeman's powers, but they don't like the new order of things a bit. They would prefer to do their ninety days with a cop as guide. Their pay began as soon as they were appointed.

LEDERER SUES FOR DIVORCE.

And His Wife Asks for a Separation and Custody of Her Child.

George W. Lederer, the theatrical manager, and his wife, Adele Rice Lederer, have begun almost simultaneous suits against each other for divorce. Mr. Lederer seeks for absolute divorce upon statutory grounds, specifying two corespondents whose names have not been made public. Mrs. Lederer will be content with a legal separation, provided she secures alimony and the custody of their five-year-old son, Maitland. The charges unkind and cruel treatment. The boy at present is in the custody of the Supreme Court, Brooklyn, where he will remain until to-day, when the hearing in the writ of habeas corpus obtained by the father will be given by Supreme Court Justice Hooker.

Hiccoughed Five Days.

ELIZABETH, N. J., July 23.—A young girl named Grace Heinman has suffered for the past five days with hiccoughs which attacked her last Friday night. She lived with Mrs. DeForest in West Jersey street. Her hiccoughing was very violent and at times it was feared she would choke to death. Last night she was taken to the General Hospital, but was removed to-day by friends. The doctors at the institution believe that the case is a very serious one. No one appeared to know where the young girl was taken.

Church Fired by Lightning.

RIVERHEAD, L. I., July 23.—Lightning fired the Congregational Church in Northville, near this place, about 3 o'clock this morning and the structure was burned to the ground, causing a loss to the congregation of about $13,000.

CITY OFFICIAL'S DIVORCE.

DEPUTY CHAMBERLAIN MAKES COURT CLERK CORRESPONDENT.

Campbell Says That Since He and Mrs. Campbell Separated She Had Lived Much of the Time With Glaser—Gifts That They Exchanged—Deathbed of Jessie Sparrow.

On two large volumes of evidence furnished by many witnesses Deputy City Chamberlain John H. Campbell obtained from Justice McAdam of the Supreme Court yesterday an absolute divorce from Anna M. Campbell because of her relations with Ferdinand Glaser, a married man who is a clerk in the Supreme Court. Requests of counsel and other solicitation to have the papers sealed were not regarded by Justice McAdam. The decree is based on a report of Charles Donohue as referee.

While Campbell was providing for his wife in 1897, but living apart from him, she was introduced to Glaser in a saloon in Fourth avenue by Mrs. Mary Louise Hall, whose mother keeps a lodging house at 107 East Thirty-first street. Glaser was then out of employment. Mrs. Campbell then resided at 117 East Twenty-ninth street and there was evidence that she helped Glaser along until he got work. She paid part of his room rent and called almost every day to see Glaser or Mrs. Hall. Mrs. Campbell used to bring Glaser his breakfast and go directly to his room. Mrs. Hall testified that Mrs. Campbell had a key to the Hall house, kept a gown there and often spent much of the day with Glaser.

In Oct., 1898, Mrs. Campbell took a flat at 320 Manhattan avenue and she and her mother and Glaser lived there until Sept., 1899, when Mrs. Campbell and Glaser went to live at 48 White Plains avenue, Williamsbridge, where they have since resided. Mrs. Campbell and Glaser contended that Glaser was only a boarder.

Campbell had objected to the association of his wife with Jessie Ferris, who has since died. Testimony of Mrs. Campbell on this subject ran:

Q. Do you know a woman known as Jessie Ferris? A. I knew a Mrs. Ferris.

Q. Did you ever know her by the name of Jessie Sparrow? A. Yes, sir.

Q. Did you ever know her to be a companion of Charles Delmonico? A. I knew Charles Delmonico visited her at 240 Fifth avenue. I understood that she lived on the money that her divorced husband had given to her. It was chiefly through my instruction that she became converted and was baptized a Catholic prior to her death.

When Glaser became Supreme Court Clerk, his salary being $2,000 a year, Mrs. Campbell increased her expenses so that she had a flat costing $70 a month, instead of $21. It was shown that she had bought a number of things for Glaser, but she said he had paid her back. She testified that Glaser paid her $50 a month for his board in their last flat and that when they moved to Williamsbridge he paid $30 a month and hired her barn for $100 a year. She had bought him a T-cart, but he returned the price of it to her. Glaser had given her a pear-shaped diamond ring which she wore at court. She had become interested in Glaser as a friend, she said, through his attendance at the "Lotto Club," consisting of a number of her friends.

Mrs. Minnie L. Glaser, wife of the corespondent, testified that she had known for several years of the relations of her husband and Mrs. Campbell. She separated from Glaser in 1897. About the time of their marriage Glaser had been in the liquor business in Twenty-ninth street.

Mrs. Hall testified that she noticed one day that Mrs. Campbell was not wearing her diamonds and inquired about it. Mrs. Campbell told her that Glaser had pawned the gems and lost the money gambling.

The Campbells were married in 1882. When Campbell parted from his wife in 1897, besides agreeing to give her $100 a month, he paid her $3,000 down. It was provided in the articles that the allowance should cease if they should be divorced.

MRS. WHITEHEAD COMPLAINANT.

Has Her Husband in Court for Non-Support and Talks at Him.

Mrs. Elizabeth S. Whitehead, whose husband, Lydell Whitehead, failed to get a decree of divorce against her after a long trial last April, had Whitehead in the West Side police court yesterday on a charge of non-support, and she spent an hour telling Magistrate Hogan how she had been followed by detectives, how she had been invited by her husband to go to a home which she didn't regard as a real home and therefore wouldn't take and how she feared that Mr. Whitehead would carry out his boast that he'd spend a million dollars to get rid of her. A formal complaint was taken against Whitehead and then Magistrate Hogan held a hearing in a side room, where it was cooler than in court.

Mrs. Whitehead was accompanied by her sister-in-law and two other women. The other women seemed to take great delight at the way in which she directed her answers at her husband across a three-foot table. She began by saying that her husband had ceased to provide for her in April after his suit for divorce failed. As to his means she said she had heard him say that he spent from $20,000 to $30,000 a year on his family and that he had $150,000 worth of stock in Whitehead Brothers Company, dealers in sand.

Lawyer Steinhardt, for Mr. Whitehead, asked her where she had been living lately.

"Your detectives ought to know," answered Mrs. Whitehead. "They've been following me everywhere."

At last she said that she was now staying at 232 West Forty-fourth street; before that she had been staying at a boarding house at 124 Hicks street, Brooklyn, where she had gone from 18 Commerce street in this borough. She said she had gone to Brooklyn because she hadn't much money and thought she could spend her summer there and take short trips to the beaches. She denied that she had moved to Brooklyn for the purpose of beginning a divorce suit in Kings county, although she has brought such a suit. Then Mrs. Whitehead told of a letter which her husband sent her on May 8. In it he said he realized that he was bound to support her and consequently offered her a home at Camelot, just outside of Poughkeepsie.

"My home is situated at Camelot," he wrote, "and you are at liberty to take up your abode in my home at once."

She testified that she went to Camelot three days after that, but couldn't get into the house until the keeper came over from his own house and unlocked it. Then, she said, she found that the house was by no means ready for her to occupy because there was no running water, the walls were not papered and there was no clothing on the beds. She came back to New York.

"Did you inform your husband that you had been there?" asked Lawyer Steinhardt.

"No, I didn't," said Mrs. Whitehead. "According to every newspaper in town he had boasted that he would give a million dollars to get rid of me, and I found that there was an insane asylum near Camelot and I didn't want to get into that. Besides, I was convinced that he wasn't sincere in his offer."

"Are you willing to live with your husband provided he gives you a good home?" asked Lawyer Steinhardt.

"No, I am not," she said. "I am afraid of him."

An adjournment to Thursday morning was taken.

Union League Renews Its Lease.

A lease by Robert F. Bixby, individual and as trustee, to the premises on the northeast corner of Thirty-ninth street and Fifth avenue, 84.6x152x irregular, occupied by the Union League Club, was recorded yesterday. It is to run twenty-one years at $25,000 a year. Another lease of one-half this plot for a like term by George Froefield, as trustee, at $12,500 yearly, was also recorded.

Miss Wilkins Says She Is Still Engaged.

RANDOLPH, Mass., July 23.—Miss Mary E. Wilkins authorizes the statement that there is no change in her relations with Mr. Charles Manning Freeman, her affianced, and that statements recently published are erroneous and entirely without foundation.

LIVE TOPICS ABOUT TOWN.

The increased price of Panama hats has not apparently decreased the demand for them and if the dealers could get all that are called for by their customers they could sell them at the present high prices without trouble.

"Indeed," said one dealer, "I think that the recent cost of the Panama has made them more popular than ever. It has been a long time since the stylish hat cost so much and it is a distinction to be the possessor of such a costly head covering that men who can afford it enjoy and will pay for. For that reason it would not surprise me to see the Panama keep up in price when the supply is again large. It is true that the demand from all over the world in the past year has exhausted the accumulated stock of some years, so it will be some time before a hat could ordinarily be had at the old figure. I am very much inclined to doubt if even then the price will be the same. There is an undeniable attraction in the high price for some buyers."

The information generally given nowadays as to the means of getting on the steamship piers to welcome returning friends is generally misleading and the embarrassing sequels are seen when the steamers arrive. Usually one of the clerks in the steamship office merely says when application is made for a ticket to the pier that none is needed now from the company; but he fails to add in nine cases out of ten that a pass from the Surveyor is indispensable. Consequently a person with friends on board goes to meet the steamer only to learn from the guardian at the gate that nobody can pass without the little card bearing the Surveyor's signature. As a consequence half the persons who have been told that a permit from the company is not needed are kept standing beyond the gate when their friends arrive, although they thought that they had taken every necessary step to be on the pier to meet them.

Another hardship of the situation is the probability that when it is learned how admittance to the piers really is to be gained the law or rule will already have been changed to add new intricacies. The number of persons who now make their way to the piers to meet friends or relatives only to learn at the entrance that their trouble is in vain is large, and apparently their discomfiture is only amusing to the men at the gate whose duty it is to tell the arrivals without the Surveyor's card that they must keep at a distance from their friends. The officers appear to get a great deal of pleasure out of this situation.

Flowers are not much in demand at this time of the year and that is good for the public as well as for the dealers since they were never before in summer so scarce as they are to-day. The supply of garden flowers on which the dealers count at this time practically does not exist so great has been the damage to flower gardens through the heat and the insects, which are more destructive than ever. One florist who is never at a loss for stock had last week, owing to the departure of a celebrity for Europe, orders for more flowers than he had used previously this summer. He was obliged to decline to take more than half of them, as it would have cost him too much to fill orders at present prices. Never before have the prices of flowers in the summer been so high and many kinds are not to be had at any figure. Asters, sweet peas and other blooms that should now be cheap cost almost as much as the rarest hothouse flowers bring in winter. The increase in the price of vegetables is a small disaster with which New Yorkers are already familiar.

Kubelik, the Bohemian violinist, who is coming here next season, will be the first of the noted violinists to play here since Ysaye. Violin players are not so frequently heard here as they are in the large European cities, although a small army of pianists comes yearly to these shores. The reason for this is not that the public is so overwhelmingly devoted to piano playing as to want to hear five virtuosos of that instrument to every one that plays the fiddle. The appearance of the pianists is made possible here through the manufacturers who pay the performers for using their instruments and, in the case of real celebrities, make the amount large enough to render it worth their time to come to this country. The lack of any violin makers who can compete successfully with such well-established makers as Stradivarius, Amati and a few others of their day accounts for the comparative infrequency of the violinist's visits to the United States in comparison with the number of pianists. Kubelik has been the rage of two London seasons, especially in the Paganini repertoire, and it was expected that he would sooner or later come here, although his terms were so high as a result of his London success that nobody would undertake the risk. If Mr. Frohman has really guaranteed him $100,000 for his season's work his highest demands must have been met. No instrumentalist but Paderewski ever earned so much here in recent years.

MONGERS OF QUEER JOY COMPLAIN.

Proprietors of Closed Coney Resorts Say Their Amusements Weren't Dangerous.

The managers of the Loop the Loop, the Barrel of Love and the Flip Flap amusement devices at Coney Island, closed by the police on Monday night, were in consultation with their legal advisers yesterday. It is probable that they will take the matter into the courts if the authorities keep their places closed. In the three places affected it is said that nearly half a million dollars are tied up and that every day they are closed means a loss of several hundred dollars.

It became known at Coney Island yesterday afternoon that the health officials were responsible for closing the three places. Dr. Black of the Brooklyn Health Department made a statement in which he said that he had received complaints that the places were menaces to life and limb and on that assumption he had ordered the police to close them. The police say they also received complaints about the danger of the devices. The managers of the devices are willing to have their places tested and all declare that there is not the least danger in any of them.

FINE FOR OLD GAMBLER.

Brotherton's Penalty, $50—Curtis Arrested Again.

George Brotherton, ex-theatrical manager, was convicted yesterday in General Sessions of running a gambling room at 116 and 118 West Forty-second street. He got off with a $50 fine. Brotherton paid it. The Recorder said that he made it a fine because Brotherton, he believed, was not a member of the gambling syndicate which usually pays fines for convicted men and because Brotherton has a family of eight children to support.

The Committee of Fifteen, when it raided Brotherton's in February, had a warrant for Edward Low No. 2, whose real name was Edward Curtis. Curtis wasn't captured when the Fifteen's raid was made, although the the Fifteen subsequently had him indicted. But a few days after the Fifteen's raid the police raided the place and captured Curtis. He pleaded guilty to being a gambler and was sent to jail for thirty days. Yesterday he was at Brotherton's trial and was recognized by Detective McClelland of the Fifteen. Curtis was thereupon rearrested and cast into the Tombs. He is to be arraigned today.

CATHOLIC SOCIETIES AT THE FAIR.

Midway Showmen Trying to Increase the Attendance for Aug. 3.

BUFFALO, July 23.—More than ten thousand members of the Catholic Mutual Benefit Association turned out for their day at the exposition. All carried small American flags. After the parade memorial services were held in the Temple of Music. To-morrow another Roman Catholic society, the Knights of Columbus, will have a day at the fair.

The Midway showmen have sent their advertising agents into all the surrounding cities and towns and are making a great stir for Aug. 3, because Director General Buchanan asserted that they could not increase the attendance 2,000. They have prevailed on twenty-five factories and business houses in Buffalo to close on that day and send their employees to the Exposition.

One of the pyrotechnical features will be the sending of a man up in a bomb. When the bomb explodes the man will come down in a parachute.

State Hospital Attendants Indicted.

Thomas J. Foley and Michael Carroll, attendants in the Manhattan State Hospital, were indicted yesterday for manslaughter in causing the death of Herbert Wadman, an insane man.

Girl Killed by Trolley Car.

Martha Swenson, 9 years old, while crossing Seventh avenue near Twentieth street in Brooklyn yesterday morning, was run over and killed by a trolley car of the Seventh avenue line.

METHODIST LAND DEAL SUIT

THE REV. DR. GEO. H. COREY DEFENDANT; TIVOLI METHODIST SUES.

A "Caution" in the "Christian Advocate" Made Eberhardt Repent of a Contract He Had Made at Conference Time to Buy Some Washington Suburban House Lots.

The Rev. George H. Corey, D. D., a Methodist clergyman, who resembles the Rev. T. DeWitt Talmage in face, figure and mannerisms, has been made the defendant in a civil suit for $7,300 on complaint of Christian Eberhardt, a Methodist of Tivoli, N. Y., who wants to recover money paid by him for land in Washington, D. C.

The land transaction was made in October, 1894, when a Methodist Conference was being held at Tivoli. Eberhardt, who is a storekeeper there and one of the prominent members of the local Methodist church, met at the conference the Rev. George O. Ferguson, who, it is alleged, as the representative of Dr. Corey told Mr. Eberhardt about the increasing value of a big plot of ground about four miles northwest of Washington near the Methodists' proposed American University site. Mr. Ferguson, it is alleged, showed Mr. Eberhardt maps of the new building site and told him that a trolley line would soon connect it with the heart of the city of Washington. Mr. Eberhardt contracted to take six house lots for $5,300. He says he paid $1,000 at the start to Mr. Ferguson at the home of the Rev. Arthur Griffin in Tivoli. On Dec. 19, 1895 he paid $1,800 to Dr. Corey at a hotel in this city and that was his last payment.

On June 25, 1896, there was published in the *Christian Advocate*, under the head of "A Caution," a notice to the effect that the American University was not in any way interested in the subdividing and sale of land adjacent to its property, notwithstanding the use of the university's name by certain persons in promoting such land deals. Mr. Eberhardt saw the caution and thinking that it might possibly have some reference to his transaction refused to make any more payments until he had seen the land himself. He did see it, or a lawyer saw it for him, and then he decided to sue to get back his $2,300, with $5,000 more as damages and to ask to have the contract cancelled.

The suit was begun recently by Walter S. Logan, a lawyer of 27 William street, one of whose attorneys served the summons on Dr. Corey when the latter came to this city from his home in Branchville, Va. Dr. Corey's lawyer is his son, John H. Corey, an attorney with Douglass & Minton, lawyers, at 280 Broadway. The younger Mr. Corey moved that the service of the summons be vacated on the ground that his father had been trapped and enticed into coming to this city from another jurisdiction by a pretence that Eberhardt wanted to pay him some more money. Justice Scott denied the motion.

Mr. Corey, the lawyer, said yesterday that the suit was an outrage and the result of Mr. Eberhardt's disappointment in not making 100 per cent. a minute on his real estate investment.

The Rev. Dr. Corey was at one time pastor of St. James's Methodist Church, 126th street, this city. He was afterward in St. John's Church at Newburgh, and in 1888 he became pastor of the Metropolitan Methodist Church in Washington. He has not had a pulpit of his own for several years.

WIFE'S RIGHT OF SEARCH.

Doesn't Extend to Husband's Pockets, Says Magistrate Crane—Keep Out.

Mrs. Selma Reichert, who was arrested on Monday night when her husband accused her of stealing from his coat pocket $57, some receipts for her allowance and some letters which he proposes to use in a suit for divorce against her, was taken before Magistrate Crane in the Yorkville police court and the question as to the right of a wife to inspect and appropriate the contents of her husband's pockets was discussed at length. Mrs. Reichert admitted having taken papers and letters from her husband's coat, but denied taking money. Reichert couldn't prove that she had taken the money, so she was discharged.

"You must return to your husband the things you took from his pockets," said the Magistrate, "and don't do anything like that again. No woman has a right to go through her husband's pockets, nor has a husband the right to go through his wife's pockets."

The Reicherts have been in court for one reason or another several times in the last year. They were married about three years ago, according to Elias G. Levy, Mrs. Reichert's counsel, after they had lived together as man and wife for five years and a day. There was no wedding before, because Mrs. Reichert's first husband had disappeared and she didn't know whether he was dead or not, and she was afraid of committing bigamy.

About a year ago, Reichert, according to Levy, said he discovered that the first husband was alive. Afterward, believing that his marriage was void, he went to Chicago, Levy says, and married another woman. When he returned here with his new wife, she soon met the first Mrs. Reichert. After that the new wife promptly brought suit for the annulment of her marriage and won.

Soon after this Mrs. Reichert No. 1 had Reichert summoned to court for non-support and Magistrate Crane ordered him to pay her $7 a week. For the last two weeks Reichert had failed to pay, so on Monday his wife obtained a summons for him. She took a policeman with her to her husband's shoe store at 762 Third avenue when she went to serve the summons, and Reichert, when he saw them coming, disappeared by way of the back fence. Spying her husband's coat hanging on a nail Mrs. Reichert emptied the pockets and fled to her home at 208 East Eighty-fourth street. When Reichert discovered his loss he went to the East Fifty-first street police station and accused her of larceny. The detective who arrested Mrs. Reichert found her looking over her husband's correspondence.

Before he got out of court yesterday Reichert had to pay his wife the back payments due her and promise to be prompter with the money in future.

PARK AVENUE TUNNEL INQUIRY.

Grand Jurors to Be Taken Through on a Good Hot Day.

Dr. Cyrus Edson, formerly of the Board of Health, conferred yesterday with Assistant District Attorney LeBarbier on obnoxious conditions in the New York Central's Park avenue tunnel. Dr. Edson consented to direct the operations of some medical men who will examine the tunnel.

Joseph Bushler of 114 Fifth avenue, an electrical engineer who is a commuter, told Mr. LeBarbier that he had often seen women faint in the tunnel and that he did not permit his women folk to ride through it.

Chief Engineer Wilgus of the New York Central is to call upon Mr. LeBarbier to-day. The railroad authorities have notified Mr. LeBarbier that every facility for investigation will be at his disposal. Mr. LeBarbier has planned to take a committee of Grand Jurors through the tunnel this afternoon if it's good and hot. In addition to the medical men who will investigate the tunnel, electrical ventilating and civil engineering experts will be called upon to look into the subject.

JEWEL THIEF CAUGHT.

Grabbed Tray in a Jewelry Store Containing $2,000 Worth of Diamonds.

A well-dressed man asked to see some diamonds yesterday in Jacob Morch's jewelry store at 130 Broadway, Williamsburg. John March, a son of the jeweller, brought out a tray containing sixteen pins. As he turned to get another the man rolled together the tray, which contained gems valued at $2,000, and ran out of the store. Morch went after him shouting "Stop thief!"

The thief ran down Broadway pursued by a crowd of men. At South Fourth street he entered the repair yard of the city. Then he tried to jump over a fence, but some of the city employees seized him and held him until Morch appeared. The thief gave up the stolen jewelry. He said he was John Barry of East Thirty-first street. He was locked up.

For Assembly in the Fifth.

In the Fifth Assembly district the Republicans believe that the successor to Dr. Nelson H. Henry, who has decided not to stand for a reelection, will be ex-Assemblyman George Gregory, who was a member of that body in 1896. Tammany Hall is arranging its usual game of having a nomination made by some outside party, with the purpose of drawing independent votes. One man who thinks he has a following in the district has been approached already by the agents of the Tammany machine and asked if he will allow the use of his name. If he will there will be a loud campaign in his favor, and then all the Tammany men will vote the straight ticket.

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SAVED A DROWNING HORSE.

Four Men With a Rowboat Worked Hard, but a Derrick Did the Trick.

To rescue a drowning horse which had kicked over a rail fence and jumped into the East River at Twenty-sixth street, almost carrying with him part of a sand derrick to which he was hitched, it took four men, a rowboat and a derrick almost two and a half hours, yesterday. Dummy was the horse and he is supposed to have jumped overboard by way of manifesting his dislike for his job of furnishing the power to hoist sand from a barge.

James Conlon, who was in charge of Dummy, went into the river after him without waiting to remove even his hat. The horse was too faithful a helper to lose, he said. After several dives under Dummy's body and some quick work with his pocketknife, Conlon succeeded in ridding the animal of the harness and then Dummy was able to keep his head above water. This done, a couple of Morgue runners for a nearby undertaker's shop quickly got a rowboat out to the man and beast in the water and a rope was tied about the horse's shoulders. Then all hands started to bring Dummy back to shore.

Up and down the river front for an hour in search of a favorable landing the oarsmen towed the animal, Conlon meanwhile treading water and holding Dummy's nostrils above the surface. But all efforts at rescue failed until, almost exhausted, Conlon got the aid of a steam derrick at the Twenty-fifth street pier. Then the horse was soon lifted out. When just about to be deposited on the pier, however, Dummy slipped his noose and dropped back into the river with a splash that almost swamped the rescue rowboat after drenching its occupants. Just as the rescuers were in despair John H. Fitzpatrick, an undertaker who has buried both human beings and pet animals, dived in to save Dummy. With Conlon he readjusted the noose and twenty minutes later a veterinary surgeon was pumping out the horse.

He seemed to appreciate the efforts made for him and upon his recovery he went back with a grateful whinny to his derrick and made up for lost time.

SOCIAL EVENTS AT NEWPORT.

Dinners of the Evening—F. W. Vanderbilt Is Not Ill, as Was Reported.

NEWPORT, R. I., July 23.—Social events to-day were a luncheon by Mrs. George B. DeForest, and dinners to-night by Mrs. J. Clinton Gray, Mrs. E. L. Winthrop, Jr., Mrs. Lewis Cass Ledyard and Mrs. N. D. Clapp.

The friends of Mr. Frederick W. Vanderbilt were somewhat surprised to read in a New York paper to-day that he was suffering with nervous prostration and was very sick, having given up all his social engagements in Newport. They could not account for it, as Mr. Vanderbilt has been seen on the street only yesterday. During the morning Mr. Vanderbilt drove up the avenue and assured his friends that there was no truth in the report. Later in the day he left for New York on business.

It was announced to-day that J. C. Mallory of New York had purchased the Hatch estate on Kay street and that he would greatly improve the place. This is the pioneer cottage of Newport, being built fifty years ago. It is a stone villa and has spacious grounds, but has not been kept up for a number of years. It adjoins the place of the Marquis De Monstiers-Merinville. The price paid by Mr. Mallory is not given.

At a meeting of the Fête Committee to-day Gen. Wheeler announced that Vice-President Theodore Roosevelt had written him saying that it would be impossible for him to serve on the General's staff on July 30. Gen. Wheeler said that his entire staff, which is to be composed of veterans of the Spanish-American War, would all wear their campaign uniforms. It was also said that there would be a marine parade at night, for which prizes will be offered for the best decorated boats.

ARREST UNBALANCED HER MIND.

Woman Haled to Court for Calling Neighbor "a Mean Old Thing."

Mrs. Margaret Johnson, the wife of an engineer of 309 Roebling street, Williamsburg, had trouble with her next-door neighbor, Mrs. Catherine De Soto. When the women met last Saturday they got into a quarrel and Mrs. Johnson, it is alleged, called the other woman "a mean old thing." Mrs. De Soto went to the Lee avenue police court, where she obtained a warrant for Mrs. Johnson's arrest on the charge of disor