# FIGHT FOR 600,000 ACRES.

### REMARKABLE CASE IN UNITED STATES SUPREME COURT.

**Henry C. King of New York Claims the Land, and Contest Has Been On Six Years—Gun Fights Mark Its Progress in West Virginia—Attorneys Accused.**

WASHINGTON, Dec. 1.—Under the title "S. D. Hatfield and Nancy C. Rutherford vs. Henry C. King," an appeal now pending before the Supreme Court of the United States, is concealed what in many respects is one of the most remarkable cases ever brought before that court. Involved in it is the title to 600,000 acres of valuable agricultural, timber and mineral land in West Virginia, Kentucky and Virginia, together with the constitutionality of the land laws of the State first named and also the question of disbarring from practice before the Supreme Court of two attorneys against whom have been filed charges of fixing up a fictitious and fraudulent suit for the purpose of obtaining a judgment to be used against the 400 or more settlers now in possession of that part of the land in West Virginia.

One tract of this land, known as the Robert Morris survey, consisting of 500,000 acres, lying in the three States mentioned, was granted to Robert Morris of Philadelphia by the Commonwealth of Virginia under patent dated June 28, 1795. The other tract, embracing 142,000 acres, was granted by Virginia to DeWitt Clinton as assignee of William Duval, Feb. 19, 1796. This lies entirely within the State of West Virginia, and, it is said, overlaps in part the Morris grant. In 1894 the West Virginia authorities, acting under a State law providing for the forfeiture of lands not entered in the land registry or upon which taxes had not been paid for a period of five years, brought suit against that portion of the Morris tract within Wyoming, Logan, Mingo and McDowell counties.

Acting upon a decree in its favor the State sold the lands to some four hundred individuals and corporations who are now in possession and against whom suits of ejectment have been filed by Henry C. King of New York, who claims ownership of the entire tract under conveyances from Robert Morris. This litigation for possession, instituted by King in 1895, has been going on ever since in the Chancery, County, State and United States Circuit Courts of West Virginia, and has previously been before the Supreme Court of the United States in one form or another on three or four occasions. King, in addition to the innumerable suits for ejectment, has sued out many injunctions to restrain the occupants of the lands claimed by him from disposing of the timber or coal thereon, and the feeling against his attorneys in that part of the State was so intense that they have been fired on repeatedly. One of them, Stiles, was wounded, and one of his assistants was killed.

In the original action King set up the claim that there had been no forfeiture of the lands, alleging that a decree patenting the lands under the State law had been obtained by his predecessors in 1883, but he offered, if that decree were deemed invalid, to pay all back taxes due.

Before the Chancery suit was decided, however, King brought an action in the United States Circuit Court to eject the various holders of the land, and from the adverse judgment of that Court he appealed to the Supreme Court of the United States. Pending the hearing of this appeal an agreement was made by King's attorneys and filed in court, that no action should be had in the Chancery cases or the proceedings before the Commissioner of School Lands in Wyoming county. Notwithstanding and in violation of this agreement King, it is alleged, obtained in 1897 a report from the Commissioner, and without notice to the parties concerned, they say, secured from the Circuit Court of Wyoming county a decree of redemption for that portion of the 500,000 acres in West Virginia. The decree fixed the boundaries as claimed by King, a large part of the DeWitt Clinton tract, and other lands shown by other records to be outside the limits of the grant being included.

King then paid the back taxes on the land, together with interest and costs, and renewed proceedings in ejectment against the alleged "squatters." He was, however, immediately enjoined from taking any advantage of the decree by an injunction, which also restrained the Commissioner from paying out any of the money received from King. That injunction is still in force.

While the constitutionality of the law of West Virginia forfeiting title to lands for non-registry and non-payment of taxes during a period of five years is the real issue for bringing the appeal to the Supreme Court, and that State is represented in the case by special act of the West Virginia Legislature, which also appropriated $1,000 for prosecuting it, yet that question is not even touched upon in the motion filed by counsel for the Commonwealth. Neither is it mentioned in the various petitions filed by the numerous other parties interested.

Former Attorney-General Rucker of West Virginia in his brief in behalf of the State asks the Supreme Court, first, to declare null and void all proceedings in the case both in this court and in the court below, for the reason that it is a fictitious proceeding entirely under the control of Henry C. King and his counsel, feigned for the purpose of obtaining, in the absence of any real opposition, an opinion and decree of the court against the present holders of the lands in question, and that the pendency of the suit has so far as possible been concealed from the numerous persons whose interests it was intended should be affected by its result, second, that the decrees in the courts below be declared void on the ground of collusion, and, third, that Stuart F. Stiles and Henry C. Flesher, attorneys, be disbarred and proceeded against for contempt of court for bringing a fictitious case before it, and for other alleged unprofessional practices.

The charges upon which this unusual action is based are set out at length in the various petitions and affidavits presented on behalf of the appellants and those who ask to intervene for the privilege of intervening in the present action. Stuart Wood and many other holders of the land in dispute, mining and lumber companies, claiming bona fide ownership of the land, charge King, Flesher and Stiles with conspiring and carrying on this fictitious suit in court without the knowledge of the real defendants, that it does not appear from the records of the Circuit Court that it was ever regularly and formally instituted, that no process was ever issued against S. D. Hatfield or Nancy C. Rutherford, that the alleged orders and decrees made in that case were entered in the order book of the court and that no record of the pendency of the suit and that a court is shown with application for a certificate of the decree for the purpose of appealing to the Supreme Court of Appeals of West Virginia, Judge Holt refusing to allow Flesher to appear for the petitioners in support of their application for an appeal, and that not a single paper in the suit could be found on file in the office of the clerk of the Supreme Court, their petition being attached.

Flesher is also charged filed as attorney for Mrs. Hatfield, Mrs. Rutherford and others a statement of fact in support of their affidavits filed in the court below, which statement, it is alleged, was mysteriously disappeared from the files. The petition further avers that Flesher had been suspended from the Circuit Court of Jackson county for taking money from a litigant and refusing to account for it, and that he had been twice convicted of contempt of court, once for striking with violence an officer of the court, and once for publishing false and libelous statements of the judges of the circuit court. It is also alleged that Flesher had filed a bill in equity charging that King was the issue of Mrs. Hatfield and her husband, and that King was the record owner of her occupancy, and that the record of the Circuit of Wyoming county, showing that King's name was stricken from the roll of claims before that court for unpaid taxes, was in the King contest, although it was afterward reversed by the Supreme Court. It is also alleged that the name Nancy C. Rutherford, one of the alleged appellants, is false, as she since 1896 has been Nancy C. Browning by reason of her marriage, and that that marriage was known to King's attorneys.

Mrs. Browning, it appears from her affidavit, is the daughter of Sarah D. and James Hatfield, and the granddaughter of Aby Hatfield, all members of the family concerned in the famous Hatfield-McCoy feud. Mrs. Browning claims unbroken possession of her land for thirty-two years, and a deed by Aby Hatfield to his daughter Martha Toler, dated 1861, shows that the latter had been in possession of that portion of the Hatfield tract since that date. The record of the latter deed in the clerk's office of Logan county has, however, been mutilated. Other affidavits show that the land had been in possession of the Hatfields for at least since 1858.

Mrs. Browning deposes regarding the arrangement between her and Stiles regarding the suit that the latter had proposed to defend her title to the lands in an ejectment suit promising to pay all expenses and to reconvey her lands to her if King won the suit. Her affidavit further declares that Stiles suggested Flesher, as he said one of King's attorneys, to act for her and after consulting her own lawyer, H. K. Shumate, she had consented. Flesher afterward called on her and she gave him power to act for her in the ejectment suit only. She denies all knowledge of the agreed statement of facts used in the present suit and swears she never knew of the pendency of the suit until the appeal had been filed in the Supreme Court.

Holmes Conrad, formerly Solicitor-General of the United States, heads the list of attorneys for the petitioners in their brief asking dismissal of the suit and the disbarment of Stiles and Flesher. The latter have until Tuesday to file replies to the charges and the motions.

### $33,710 RAISED YESTERDAY.

**To Go Toward Paying Off the Central Presbyterian Church Mortgage.**

At yesterday's services of the Central Presbyterian Church, Marcy and Jefferson avenues, Brooklyn, $33,710 was collected toward paying off the mortgage on the church. The mortgage, amounting to $40,000, has existed since 1892 and special efforts were made yesterday to raise a sufficient sum to liquidate it. The largest donation toward the fund was one of $3,000, while there were several of over $1,000 each. It is expected that the rest of the money required to discharge the mortgage will be raised during the week. The Rev. W. J. F. Carson is the pastor of the church.

### TO OPEN PARLIAMENT JAN. 16.

**King Edward Will Repeat the Ceremony Used in February Last.**

LONDON, Nov. 22.—Parliament is to be reopened by the King on Jan. 16. The ceremony followed will be practically the same as that used in February this year. The one change will be that peeresses who attend the proceedings in the House of Lords instead of being in full mourning will be in half-mourning, which admits of gray or white dresses instead of the sombre black which was universal on the last occasion.

Even in the personnel of the procession there will be few if any changes, unless one of the candidates for the office of Lord Great Chamberlain makes his claim better in the meantime than that of Lord Cholmondeley, who occupied the position at the beginning of the year. Earl Roberts may possibly replace Viscount Wolseley, too, in attendance on the King, but the rest will have the advantage of previous knowledge, and the progress through the Royal Gallery may therefore be a more finished performance than it was before.

In the House of Lords itself the customary benches will be removed, and the narrow forms which have already done duty, and are now kept in the precincts of the House, will be put in position, thus about doubling the ordinary accommodation of the chamber. There will be none of the hurry and high-pressure work which was necessary in order to prepare for the opening in February; every detail is complete and a couple of days will suffice for all the necessary alterations to be made.

One change, however, it will be necessary for the royal upholsterers to carry out. When Queen Alexandra's throne, an exact replica of that so long used by Victoria, was made, the two chairs of state were also altered. That in which the King, when Prince of Wales, was accustomed to sit was adorned with his crest and the letters "P. W.;" that on the left of the throne occupied in his lifetime by the Prince Consort bore his arms and the letters "P. A." These were replaced for the last opening of Parliament by a simple Duke's coronet in each case. Now that the Duke of Cornwall and York has been created Prince of Wales, his crest and the "P. W." will be restored. As the old embroidery is in a splendid state of preservation, it is probable that it will be put back.

It is not quite certain, but it is extremely probable, that the innovation introduced by his Majesty at the beginning of the year in reference to the speech from the throne, will be continued, and that the first indication of the Government programme, which for many years previous to that was supplied in a "forecast" the night before the opening of Parliament, will again be from his Majesty's lips.

### LAWSON TALKS ON COPPER.

**Says the Attack on Amalgamated Is "Lawless and Bastardly."**

BOSTON, Dec. 1. Thomas W. Lawson issued a statement on Amalgamated Copper late to-night, giving what he terms "a few plain facts," in contradiction to the rumors and stories that have been put afloat, "with the intent to deceive the thousands of investors residing in every State and Territory in America and in Europe, to the end that these investors may be induced to throw their Amalgamated holdings on the market that those who manufacture and put afloat these false stories may attain their end, an end as morally and legally criminal as that sought by the burglar or arson fiend."

Mr. Lawson characterizes the movement as a "lawless and bastardly attempt to rob innocent investors," and says that all the stories about Amalgamated are false, "for the entire Wall Street structure is resting on a scheme which may burst forth and infinite."

Mr. Lawson compares the company with United States Steel, Northern Securities and other large corporations, and says the Amalgamated is capitalized conservatively, measured by any of the standards now in force in Wall Street. He closes his statement by saying that the small holders are the men whose money is being "pinned out" and he and his associates during the coming week Amalgamated will either continue to drop like a stone, or to move with the market, "as its merits entitle it to do, upon the wisdom of the old saw which claims bulls carry a bear away."

### IDAHO ON RAILROAD COMBINE.

**Gov. Hunt Says the Next Legislature Will Act on the Question.**

BOISE, Idaho, Dec. 1. Gov. Hunt, in his reply to the request of Gov. Van Sant, State of Minnesota, for a committee to fighting the proposed Northern Securities merger, says:

"I agree with your views as to the danger and monstrous consumption will be to the commercial interests of all the territory through which these lines may pass with no competition. For I regret to say that Idaho has no constitutional provision or legislative statute that can be used to prevent the consolidation of, one or more corporations of this kind.

"But I am able to state that this question will be the subject of action by our next Legislature and that you have the moral support and sympathy of the people of this State."

# PRIEST, GIRL AND A SLEUTH

### IN A SCANDAL THAT GOES UP TO ARCHBISHOP CORRIGAN.

**Priest Accuses Girl of Writing Him Scurrilous Letters and Takes It Back—She Confesses Guilt and Denies It—Charge of Assault Against the Sleuth.**

YONKERS, N. Y., Dec. 1.—For the past few days the people of this city have been doing little but discuss a peculiar affair involving the Rev. Father Henry Xavier, a young priest, who is the assistant rector of St. Joseph's Roman Catholic Church, and a young woman parishioner of the name of Delia Foley, who, heretofore, has been considered of good character and an active church worker. Father Xavier has been the assistant of Father Ling, rector of St. Joseph's, for nearly fifteen years, and he accuses Miss Foley, who is about 28 years old, a bookkeeper in a mill here, of being the author of a series of scurrilous letters which he has received.

That was the beginning of the present situation of affairs, but it is the developments since the priest first made this charge that have excited particular interest, as they have involved a public retraction of the charge by the priest and an action on the part of Miss Foley against the detective who was charged with arresting her for writing the letters. They also involve Miss Foley's admission, which she says was forced from her, that she was the letter writer; and her accusation against William Welch, the detective, of having forced his attentions on her in an out-of-the-way place and having gone so far as to hug and kiss her. Miss Foley, through her lawyer, has taken the whole case to Archbishop Corrigan, with a petition that Father Xavier be removed.

According to the facts generally admitted by both sides, Father Xavier, for the past year, has been receiving letters in which insinuations were made, not only against his own character, but against the character of some members of his family. While nothing has been disclosed so far, giving the exact nature of these letters it is said that many were of obscene or blackmailing character.

Father Xavier did nothing about these letters until a few weeks ago, when, feeling that he could not allow them to continue without taking some steps to stop them and find out the writer, he took some of them and laid them before William J. Kinsley, the handwriting expert, in New York.

The letters were all in a woman's handwriting, and before Father Xavier laid them before Mr. Kinsley he had done a little comparing himself, with the result that with the letters he also submitted a sample of the handwriting of Miss Foley.

Miss Foley at that time and for some time prior to it had been a member of the School Society of the church, the members of which pledge themselves to the work of raising funds for the maintenance of the parish school. Miss Foley had turned in considerable money which she had raised by subscription, and hence the priest was familiar with her handwriting to some extent.

Struck with what he thought was a similarity between Miss Foley's handwriting in the books of the society and the letters with which he compared it, he took specimens of it along with the letters to the expert. According to the priest and his friends Mr. Kinsley declared, almost at first glance at the writings, that they were the work of the same person. The priest did not disclose to him his purpose in getting his opinion, but he asked and obtained from Mr. Kinsley then and there a signed statement from him to the effect that the handwriting was the same.

Armed with this, the priest came back to Yonkers, and after taking a few days to consider what he should do in the matter, he finally decided to have a talk with the young woman. He did so and she indignantly denied that she had been the author or knew anything about the letters he had been receiving.

Then Father Xavier visited Judge Kellogg of the City Court. He did not show him the letters, but he did tell him about what Mr. Kinsley had said, and asked his advice. The Judge advised him to get out a warrant for the young woman if he felt he had strong proof, and upon the priest declaring that he considered the expert's written opinion the best proof, Judge Kellogg made out a warrant calling for the arrest of Miss Foley.

At this point Detective Welch comes into the story and there are two versions regarding it. According to the Judge, Father Xavier asked that the warrant be given to a police officer and suggested that Detective Welch be this officer. Father Xavier's version is that he had only a slight acquaintance with Welch and that it was the Judge who picked him as the officer to serve the warrant.

At any rate, this was served by Welch on Nov. 18. There was a meeting that night of the society to which Miss Foley belonged and when it was about over Father Xavier asked Miss Foley to come into his study. There he again faced her with being the author of the letters and again she denied it. Then, it is declared by both sides, he informed her that he would be forced to cause her arrest, and called in the detective, who was waiting with the warrant.

With the detective Miss Foley walked about two blocks toward the police station. After going that far she said she had thought it over and wanted to see the priest again, and the detective took her back. In the presence of the priest a second time she admitted, according to Father Xavier, that she was the author of the letters.

Then Father Xavier made her sit down and write a letter of apology, not only to himself, but to several other persons who had also received letters. Miss Foley wrote four letters, all of them dictated to her by the priest, and was about to write a fifth at his command when she fainted.

Miss Foley's lawyer and her friends declare that she was terrified into writing the four letters which she completed, that when she found herself on the way to the station house, she became so frightened as to want to do anything to save herself from going there and that it was the idea which led her to go back to the priest's, and finding that there was no other way to avoid publicity and arrest, to there write the letters he ordered her to do.

Father Xavier kept these letters, and Miss Foley, after being released, of the house.

The next development came ten days ago, when Miss Foley and a lawyer named William Waldo appeared before Justice Konzing and asked for a warrant for Detective Welch. This they obtained upon Miss Foley making a formal complaint charging the officer with assault in the third degree.

In an affidavit supporting the complaint Miss Foley alleged that after leaving the priest's house the detective had met her and pounced upon her, kissing her and also attempted to induce her to drink with him in the parlor of a saloon house. This was two blocks from the priest's house.

The case against Welch was argued, but when his case came up last Monday before Judge Kellogg, after some delay, Miss Foley's lawyer said she wanted to drop the case. Miss Foley, when questioned by the judge, said that she did want to drop the case, but nevertheless she had reason to be truth to her complaint.

The judge refused to dismiss the case and the lawyer for Welch then made a new move. He made an affidavit to the effect that Judge Kellogg was of the same political faith as that of the editor of a local paper which Father Xavier is suing for libel; that this editor had urged in his paper that the case against Welch be pushed and recommended that it would be impossible for his client to get a fair trial before Judge Kellogg. Upon this affidavit Justice Dykman ordered the entire case to be submitted to the Grand Jury, which will be done, at White Plains this week.

Father Xavier when he heard of Welch's arrest made a move which is considered to have been a very strange one by a great many and which has greatly complicated the situation. This move was to go to the lawyers representing Miss Foley and the policeman and in their presence write out this statement:

Delia Foley, having denied that she wrote the anonymous letters concerning me which I, on Nov. 11, accused her of writing, I hereby take her word that she did not do so and, therefore, withdraw any statements I have made to the contrary. HENRY F. XAVIER.

That Father Xavier made this statement was not known until three days ago. According to Lawyer Walsh, representing Miss Foley, it was demanded of him. According to friends of the priest, it was given voluntarily by him in order to avoid any entanglements with the assault case, upon the statement of Miss Foley's lawyer that she did not write the letters.

At the same time, Father Xavier, in the presence of two lawyers and after making this statement, burned the four letters Miss Foley had written at his dictation. This was on Nov. 22.

Last Thursday Mr. Walsh sent all of the facts of the letter-writing episode to Archbishop Corrigan and charged the priest with misconduct for having acted as he did.

Now people are wondering what course the Archbishop will see fit to take. Mr. Walsh announced very frankly yesterday that he cared very little about the assault charge, but a great deal about the case against the priest. He said his client would appear before the Grand Jury if summoned and would certainly press the assault case, but she would also push the case against the priest to the limit, regarding his conduct in the matter as proving him unfit for the post he occupies.

Father Xavier's friends say that since he took the action he did he has had no more letters and that that being the case he was willing to let the matter drop. As regards the action of the detective, Father Xavier says he knows absolutely nothing. What he and those who side with him do disclaim, though, is that Miss Foley was in any way forced by him to write the letters acknowledging herself as the guilty person. Father Xavier has told his friends that when she returned with the detective she said without any further questioning on his part that she had written the letters and was ready to do anything to atone for it. Detective Welch's story is that Miss Foley went back of her own accord and that he said nothing to her to scare her. He also denies the assault.

That is how the matter stands at present, and people are wondering whether it will be the Archbishop, to whom Miss Foley has appealed, or the Grand Jury to which Welch's case has been referred, that will lead to some more light being thrown on the affair about which so many are talking and about which they would like to have a lot made clear.

### TO PUSH RECIPROCITY.

**Merchants' Association Committee Asks Further Discussion of Question.**

The committee of three which represented the Merchants' Association at the Washington convention of the National Association of Manufacturers from Nov. 19 to Nov. 21 has reported advocating a meeting or providing other means for the further discussion of the reciprocity question. The committee says that there are a number of industries in which leading representatives admit that certain duties are needlessly high at present, and that there are probably many more such industries whose representatives would willingly concede the advisability of reduction in tariff duties. The committee thinks that this was the sentiment of most of those who attended the convention. The report also advocates the creation of a Government Department of Commerce and Industry.

The members of the committee are Henry R. Towne, C. R. Lamb and W. A. Marble.

### C. B. ANDREWS MAY PRESIDE.

**Ex-Governor Favored for the Chair in Connecticut's Constitutional Convention.**

NEW HAVEN, Dec. 1.—As the result of a postal card canvass for the presidency of the Connecticut Constitutional Convention that will meet in Hartford the first week in January, 1902, 117 of the 168 delegates to the convention favor the selection of former Governor and former Chief Justice Charles B. Andrews of Litchfield. Thirteen delegates decline to commit themselves and there was one vote for former Governor Thomas M. Waller. The remainder didn't reply. There is said to be opposition to Gov. Andrews for this place, the opposition coming from members of the Republican State Central Committee and some of the leading delegates to the convention.

It is said that the corporations of Connecticut are planning to watch the convention carefully.

### CARRIED OFF HIS SON.

**Charles Van Lone and His Wife Had Lived Apart for Years.**

Charles Van Lone, a boss painter of Coney Island, was locked up in the Fort Hamilton police station yesterday after he had taken away his six-year-old boy John from the boy's mother, Maud Van Lone, who lives at Eighty-eighth street and Fourth avenue, Bay Ridge. Van Lone and his wife have lived apart for several years. He went to her yesterday and asked to take the boy for a visit, and when she refused he took the youngster by the arm and ran away with him toward Fort Hamilton.

Mrs. Van Lone got two policemen and they found the father hiding with the boy in a car used as a waiting room at Seventh avenue and Eighty-sixth street. Van Lone was locked up on a charge of disorderly conduct.

### I'VE BEEN INSULTED, SHE CRIED,

**And Four Avengers Ran Into the Hall Where One of Them Got Stabbed.**

A young woman who was attending a party at 672 Eleventh avenue last night ran into the room where the party was going on and said that some one had insulted her in the hall. Four men, one of whom was Joseph O'Brien, ran out into the hall, where they found Richard Thare. He said he hadn't even spoken to the young woman, but for four attacked him. Thare pulled out a pocket knife, stabbed O'Brien in the groin and escaped. O'Brien was taken to Roosevelt Hospital, where it was said he would probably die. Thare was arrested and admitted the stabbing, but again denied having insulted the young woman.

### DENOUNCED BY A BISHOP.

**Recruiting and Enlisting Continued in Spite Orders to Desist.**

SCRANTON, Pa., Dec. 1.—At the services at St. Peter's Cathedral this morning, the Rt. Rev. Bishop Hoban, of the Scranton diocese, announced in unmeaning terms, and hope referred to the disturbing in the same manner. It is well known that a majority of the enlisted soldiers are members of Bishop Hoban's flock. The Bishop was impartial in his criticism, denouncing unfair methods by corporations and workers. It was the Bishop's opinion that no man has a right to prevent another from earning an honest living.

**Joseph Rosso Shot in a Quarrel.**

A quarrel over a card game started a pistol shooting affair in Brooklyn last night. Joseph Rosso, of 30 Carroll street and Frank Rosso of 15 Carroll street were playing cards in the latter's house when a dispute arose. Both went into the street where they renewed the row, which ended in the two drawing revolvers and firing at each other. Two shots were exchanged. Rosso received a bullet in the thigh, but Rosso escaped with a whole skin. Capt. O'Reilly of the Hamilton avenue station who was attracted to the spot by the sound of the duel, arrested Rosso and had Rosso taken to the Long Island College Hospital. His wound is not a serious one.

# GLITTERING 274 1-2 PER CENT.

### SEEMS TO HAVE LURED PROSPERITY TO M'CAULEY'S NET.

**"Experience," Wrote the Get-Poor-Quick Specialist to His Clients, "Is the Best Teacher"—They're Finding Out How True That Is—He's Held in Jail.**

Henry L. McCauley, who the police say is associated with Frank Dillon and John F. Barrett, the alleged "get-poor-quick" specialists, was remanded yesterday in the Centre street police court by Magistrate Zeller on a charge of larceny. McCauley will appear for examination in the police court to-day together with Barrett and Dillon. Detective Sergeants McConville and Savage, who are prosecuting the case, expect to have several complaints against the men and possibly some more prisoners.

McConville arrested McCauley on Saturday afternoon at the offices of "Henry L. McCauley & Co.," two small rooms in the Hudson Building, at 32 Broadway. The building has an entrance at 39 New street, and sometimes "McCauley & Co." used the New street address. McCauley, when arrested, denied being connected with any of the numerous alleged swindles of Dillon and Barrett. He said that he had simply exchanged lists with them, and then explained that these were lists of addresses of possible investors. Yesterday in the police court he conferred with his counsel, William F. McNamara of 11 Wall street, and then refused to make a public statement.

Various financial propositions which "McCauley & Co." had sent to prospective purchasers were shown to Magistrate Zeller. One of these spread its glittering inducements in this fashion:

THIS IS OUR RECORD

Thirty-eight and a half per cent profit paid to clients during July and August (the two dull summer months). Two hundred seventy-four and a half per cent profit paid to clients since Jan. 1, 1901.

After a reference to the fact that the First National Bank of New York recently declared a dividend of 1900 per cent. the circular continues:

We watch the markets closely, study carefully the conditions, both physical and financial, of every low-priced stock making exhaustive inquiries of reliable source, to ascertain the real circumstances and reasons for its present price being so low; then, when conditions warrant the belief that an advance is impending, we buy the shares outright for cash, and hold them until the increase in value shows us a reasonable profit.

We do not try to secure new patrons by holding out any glittering inducements, promising large profits, or by indulging in vague generalities which mean nothing; nor do we ever make any promise that we are not fully able and willing to live up to. We content ourselves with a statement of the facts in the case and court the fullest investigation.

Further along the circular says "Experience is the best teacher." It also says: "Our plan of trading is safe, certain and legitimate in every sense of the word." This stuff is signed Henry L. McCauley & Co., 32 Broadway, New York. It was issued early in September last.

In addition to this circular Sergt. McConville showed typewritten letters which advised hesitating investors to plunge into California oil investments. They bore the New street address.

### C. F. U. PRAISES CHURCHILL.

**Delegate Declares That He Closed the Barber Shops Yesterday.**

The Central Federated Union, which every now and then abuses the police, took a new departure yesterday and praised Acting Captain Churchill of the Fifth street station. This unusual course was prompted by a report of Delegate Helm of the Journeymen Barbers' Union, who said that the Sunday law in the barber shops was practically a dead letter until he made a complaint last week which was conveyed to Acting Captain Churchill.

"For the first time to-day," said Helm, "the police tried all the doors of the barbers' shops in the precinct and if they found any doing business after 1 P. M. they warned them that they would be arrested if they did not close up. The result was that no one could get a Sunday shave in the entire precinct this afternoon. I think that looks well for Acting Captain Churchill."

"He's all right," said several delegates and another delegate said: "Churchill is a hustler."

## DIED.

BATES.—On Friday, Nov. 29, 1901, James Hale Bates.

Funeral services at his late residence, 64 Remsen st., Brooklyn, on Monday, Dec. 2, 1901, at 10 A. M. Kindly omit flowers.

BIGELOW.—On Friday, Nov. 29, 1901, at her residence, 117 East 18th st., Martha Agnes, wife of Capt. Mortimer O. Bigelow, Ninth United States Cavalry, and daughter of Ellen M. and the late James S. Hennessy.

Funeral services will be held at the Church of St. Francis Xavier, West 16th st., near 8th av., on Monday morning, Dec. 2, 1901, at 10 o'clock.

HOPPS.—On Sunday, Dec. 1, 1901, at his residence, 130 West 123d st., Lewis William, beloved husband of Elizabeth Bonner Darling Hopps, in the 28th year of his age.

Notice of funeral hereafter.

RAYMOND.—At Germantown, Pa., on Saturday, Nov. 30, 1901, Clara Wise, wife of Lieut. Col. Charles W. Raymond, Corps of Engineers, U. S. A., and daughter of William Wise of Brooklyn.

Funeral services at the residence of Dr. R. W. Raymond, 123 Henry st., Brooklyn, on Tuesday, Dec. 3, 1901, at 4 P. M. Interment at West Point, N. Y.

RUTTER.—On Sunday, Dec. 1, 1901, William Pinckney, son of William and Minetable A. Rutter, aged 31 years.

Funeral services at his late residence, 159 West 121st st., on Tuesday, Dec. 3, 1901, at 8.15 P. M. Interment private.

SOPER.—On Sunday, Dec. 1, 1901, at his residence, 180 Central Park South, Arthur W. Soper.

Funeral services private, at the house, on Monday afternoon, Dec. 2, 1901, at 3 o'clock. Interment at Boston, N. Y., on Tuesday afternoon, Dec. 3, 1901. Friends are earnestly requested to send no flowers.

THOWBRIDGE.—At New Haven, Conn., on Saturday, Nov. 30, 1901, Ezekiel Hayes, son of the late Ezekiel H. and Sarah Hay Trowbridge, in the 81st year of his age.

Funeral services at the late residence, 364 Temple st., New Haven, on Tuesday afternoon, Dec. 3, 1901, at 2 o'clock.


### Art Sales and Exhibitions.

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### LIVE TOPICS ABOUT TOWN.

THE SUN'S correspondent who put in a plea for a "country hotel" in New York with all the modern improvements and a variety of the "best food in the land" at reasonable prices did not make it clear why he so named it. Apparently what he really wanted was a modern New York hotel with country prices. Members of the First Congress, which met in New York, were severely criticised as extravagant because they paid from $7 to $10 a week for board and liquors. Within fifteen years the most extravagant hotels were referred to respectfully as "five-dollar-a-day houses." There is no such descriptive phrase now that will fit New York's most extravagant hotels. Perhaps at a minimum price they might be called ten-dollar-a-day hotels, but their average is far above that price. If "W. B." who wants all the comforts of such a hotel at country prices could examine the expense accounts of these big hotels and see what a very small margin of profit when everything is accounted for, is charged to the patron he would realize that his plea is useless. He has to pay for much that he doesn't want, possibly, such as good music, extra quality of table service and the palatial equipment of the hotel itself, but if the average patron did not want it the hotel would fail. Even the cost of living in good boarding houses now is far in excess of the highest priced hotel's charges a dozen or fifteen years ago.

A man and two very much overdressed middle-aged women bustled into one of the most fashionable restaurants in New York after the theatre on Saturday night, and the attention that they attracted evidently pleased them. The women wore jewelry enough to stock a Maiden lane show window. When they secured a table near the centre of the room it was obvious in many little ways that they were strangers to this particular kind of restaurant. They made heroic efforts to appear at ease, and the more they struggled the closer they were watched by the amused people around them. The elder of the two women constantly referred in familiar terms to the rival of this fashionable restaurant and to her box at the Horse Show and to her coachman, who was waiting outside. All three of them struggled with the menu, and it was only with the assistance of the waiter that they were able to decide on an order. An indiscreet hint from the man to hasten through the supper, as the cabman was charging him by the hour, rather upset the woman's talk about her coachman outside. The two women, secure in the knowledge that they displayed more diamonds than any other woman in the room, enjoyed their supper, but the man's spirits flagged. When the coffee was served he had an inspiration.

"Let's have some brandy with the coffee, waiter," he said.

The brandy was served. Each one of the three looked around cautiously to see how other people drank their brandy. They didn't get a clue, so they poured cream into their coffee and their brandy and finally inserted a spoon in each cup. Holding the spoon to one side with the finger, they clinked their coffee cup and, with a "Here's how," drank the mixture and departed. By a curious coincidence the word "Chicago" came simultaneously from three or four tables around the one just left vacant, but there was nothing further to identify these three people with it.

**Student McWhood in Bellevue.**

John K. McWhood, the Columbia student who ran away from his father while on the way to a sanitarium in Stamford, Conn., last week, made another effort yesterday to escape while Mr. McWhood and a friend were on the way a second time with him to Stamford and his father had him sent to Bellevue.

### OBITUARY.

Col. Arthur W. Soper, President of the Pintsch Compressing Company and of the Safety Car Heating and Lighting Company, and director of several enterprises allied to the railroad business, died yesterday at his home, 180 Central Park West. He was born at Rome, N. Y., in 1838. When a young man he became assistant superintendent of the Rome, Watertown and Ogdensburg Railroad. In 1871 he went to St. Louis to be assistant superintendent of the St. Louis, Iron Mountain and Southern Railroad. In St. Louis he became very popular as an energetic business man. He came to this city about 1880 to engage in the business concerns of which he later became President. He was a director of the Standard Coupler Company, the Citizens' Insurance Company and the American Mutoscope and Biograph Company. He was a member of the Chamber of Commerce and of the Lawyers', Engineers' and Lotos clubs. He leaves a widow and one daughter. The funeral will be at his house late this afternoon, President M. Woolsey Stryker of Hamilton College officiating. The honorary pallbearers will be S. R. Calkins, E. B. Thomas, A. H. Calef, J. E. French, Col. Robert Andrews, Col. William Barnett, E. St. John, S. N. Dodd, R. C. Kerens and G. A. Walton.

Ezekiel Hayes Trowbridge, reputed to be the third wealthiest man in Connecticut, died at his home in New Haven on Saturday night of a combination of diseases. He was born in New Haven in 1841 and was associated with his father in the firm of H. Trowbridge Sons, West Indian merchants. It was one of the biggest shipping firms of molasses and sugar from the Indies in the United States. The company passed out of existence fourteen years ago after making millions. He was a director in several New Haven banks and street railroad, gas and water companies, Vice-President of the Boston and New York Air Line Railroad Company, and a director in the New York and New Haven Railroad. He was a member of the Union League Club of New York. He was twice married, his first wife being Miss Amelia B. Chilcott, daughter of Caspar S. Chilcott of New York. She died two years after marriage. His second wife was Katherine Adeline Quincy, grandchildren of Josiah Quincy, Stephen Allen, Sr., and three children survive.

William Lockey, senior partner in the leather firm of Butler & Lockey, of 32 Spruce street, died at his home, 159 West 121st street, of pneumonia yesterday morning. He was the son of William Butler, who ten years ago was one of the oldest leather merchants in the city. He formed a partnership with Myron D. Lockey and succeeded to his father's business. Mr. Butler was in his office as recently as Saturday. He was a member of the Union League and the New York Athletic clubs. He was 45 years old. His parents and two brothers survive him.

Miss Sophie von Flicker, one Von Flicker, died of her home at Long Beach, L. I., yesterday, at the age of 18 years. She was born in Germany and was married to Baron Von George Frederic von Flicker, an official in the King's Dragoons, who, nearly a dozen years ago, left his home and his family to accept a commission in the Russian army. In consequence of the injustice of her family she was brought up in the house of Prince and Princess Argeed, after whom Queen Victoria of Spain, who was her godmother, stood by a social outcast.

John G. Myers, proprietor of a well-known department store in Albany, died yesterday in the Hotel Bristol, in this city. He was born in Schenectady, N. Y., and came to New York city at the outset of the Civil War and opened a dry goods store on Broadway near Canal. He made money and moved up town. He took Gilsey House and then built the Albany, which he managed with William H. Hoyt. He made money and moved up town and built the Bristol. He was a member of the Union League Club. He was 70 years old. His widow survives him.

Alec Sykes, aged 45, a well-known Brooklyn fireman, died yesterday in the Long Island College Hospital. He was born in Brooklyn and had been a member of the Brooklyn fire department for 20 years. He was a member of the Knights of Pythias and of the Knights of Honor. He was married and left a widow and two children.

Frederick Bonnell, aged 70 years, a member of the firm of Bonnell, Ellis & Co., dealers in paints, died at his home, 1 Gramercy park, on Saturday night. He was a member of the Union League Club, the Knickerbocker, Century, Manhattan, Metropolitan, Riverside and Ardsley clubs. He was also a member of the Chamber of Commerce and of the Sons of the Revolution. He was a director in the Continental Trust Company, Mechanics' National Bank, Mechanics' and Traders' Insurance Company and the Mechanics' and Traders' Fire Insurance Company. He was 70 years old. He was married and left a widow and two children.


New Publications.

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