NINE CHOSEN TO TRY PATRICK.

THE REV. DR. LYMAN ABBOTT'S SON IS ONE OF THEM.

Asked How Much "The Outlook" Had Printed About the Case—Not a Line—Patrick's Rich Brother-in-Law Milliken Finds the Money for the Defence.

Four more jurors were chosen yesterday in the case of Albert T. Patrick, lawyer, who is on trial before Recorder Goff on the charge of murdering Millionaire William Marsh Rice at 500 Madison avenue on Sept. 23, 1900. Nine have been secured all told, and probably the taking of testimony will begin to-day.

Patrick and all his lawyers were cheerful yesterday. The prisoner contributed more than his share to one of the general laughs of the day that was so loud that the court officer had to rap for order. The laugh was at one of Osborne's jokes, too.

John T. Milliken, a brother-in-law of the prisoner, is expected here before the end of the week from Chicago. He sent word ahead yesterday that he will furnish all the funds necessary for the defence of Patrick.

One of the four jurors selected yesterday was Lawrence F. Abbott of 128 Central Park South, editor and publisher of the *Outlook* and a son of the Rev. Dr. Lyman Abbott. Mr. Moore, for the defence, evidently not a constant reader of the *Outlook*, began on Mr. Abbott with this question:

"How much space did you devote to news of the Patrick case in your paper?"

"Not a line," replied Mr. Abbott.

"Have you read anything about it?"

"Very, very little."

"Have you talked about it?"

"Never."

"Have you any opinion as to the innocence or guilt of the defendant?"

"Absolutely none."

Ten minutes after he had been chosen, Mr. Abbott jumped up from his seat in the manner of a man who has just thought of something important and walked to the other end of the jury box. He leaned over the railing and began to whisper to Fred B. House, one of Patrick's lawyers. Assistant District Attorney Osborne left his chair and leaned over the other lawyer's table so that he could hear. There was astonishment in the court room.

Recorder Goff eyed the group sharply, but before he had time to say anything Mr. House stood up and said:

"I want to explain to your Honor that Mr. Abbott has just told me that in his examination he forgot to mention the fact that he is well acquainted with District Attorney Jerome. He also says that that acquaintance will have no influence on him in considering this case."

"Not a particle," added Mr. Abbott, as he straightened up.

"And I," continued Mr. House, "am just as well satisfied as I was before to have him on this jury."

Patrick smiled and nodded assent to Mr. Abbott, who thereupon resumed his seat.

The other three jurymen selected yesterday are John D. Campbell, 212 East Forty-ninth street; Henry Budelman, Fordham, and Edward S. Pringle of 809 St. Nicholas avenue.

Two talesmen, Charles Lippe and Thomas B. Schoffer, said that they were opposed to capital punishment, although they had both passed muster on that important point in their preliminary examination by the Commissioner of Jurors. Both were excused. As the second one left the witness stand the Recorder exclaimed:

"Some of you men may be indicted one of these days. I do not see how a man can swear to one thing one day and to another thing the next. It is scarcely honorable."

Later in the day the Recorder said that the longer the talesmen sat in the court room the more skilful they became in evading their plain duty.

William H. Smith was excused when he said that he was on a murder jury once that brought in a verdict of guilty which was set aside. He said that he had not had any faith in circumstantial evidence since then and that his first experience had haunted him.

Lawyer House objected to one talesman who knew Osborne and knew George Gordon Battle, counsel for Valet Jones, "the chief witness for the people," as Mr. House called him.

"We don't admit that Jones is our chief witness," said Mr. Osborne.

"Well, we know it, and admit it for you," retorted Mr. House. The talesman was excused.

M'GURK FINED $500.

Pays, and Is Immediately Rearrested on a New Charge of Disorderly Housekeeping.

John H. McGurk, proprietor of "Suicide Hall," who was convicted a few days ago of maintaining a disorderly house at 112 Third avenue and who disappeared from this city, forfeiting his bail, gave himself up yesterday morning and paid a fine of $500. As he left the court he was placed under arrest by acting Captain Churchill of the Fifth street station on another charge of maintaining a disorderly house.

McGurk appeared in Special Sessions and explained to Presiding Justice McKean that illness had prevented his appearing for sentence.

"It is of no use to lecture you, McGurk," commented the Court. "We accept your apology, but we want to tell you one thing and we want you to take it very much to heart. If you are brought here on the charge of keeping a disorderly house again you will receive the full penalty of the law."

The Court did not know then of the second disorderly house charge pending against McGurk. The full penalty for such an offence is $500 fine and a year's imprisonment. Justice McKean remitted the forfeiture of the $1,000 security given by George H. Orange of 280 East Broadway, McGurk's bondsman.

The new charge against McGurk is of maintaining a disorderly house at 295 Bowery. This is "Suicide Hall." The warrant was taken out when one William McDonald complained to the police that a woman had robbed him of $81 in the place. In the Yorkville police court yesterday McGurk was put under $500 bail to answer. He said that during his absence from the city he had spent most of his time in Florida and he had gained eight pounds in weight.

WIFE MURDERER LUTZ HANGED.

Confesses Crime After Two Years of Feigned Insanity.

WILKESBARRE, Pa., Jan. 21.—John Lutz, wife murderer, was hanged this morning, the drop falling at 10:17 o'clock. He had to be held on the trap, as at the last minute, when the rope was placed about his neck, he gave way. Lutz confessed he had killed his wife and said the group of the neighbors had led him to do it. He declared that he was perfectly sane for two years. Lutz feigned insanity with a sagacious of purpose which was startling. To all that time he was silent and paid no attention to what was going on around him, and it was not until a week before he hanging, when he realized that there was absolutely no hope, that he broke of the pretence and talked to his keepers.

Bankers' Investment Co. Incorporated.

The Bankers' Investment Company filed articles of incorporation in Trenton yesterday, with a capital stock of $100,000, to deal in stocks, bonds and other securities. The incorporators are Albert C. Zeiser, Albert C. Dieffenbacher and Millard V. Baldwin.

[illegible]

SICKLES SCORES THE TUNNEL.

Also the New York, New Haven and Hartford Railroad, Which Uses It.

The State Railroad Commission met at the Fifth Avenue Hotel yesterday morning and heard final arguments for and against the construction of a new electric railway between New York and Port Chester. There have already been a number of hearings and the New York and Port Chester road, which is the applicant, has found itself bitterly opposed by both the New York, New Haven and Hartford Railroad and the Union (Huckleberry) Railway Company. Supporting the projectors of the new road are a great many persons who live along the line it is proposed to follow.

Gen. Daniel E. Sickles, who is a resident of New Rochelle and who appeared in that capacity, asked permission to address the commission yesterday. Having got it he launched into a warm denunciation of the New York, New Haven and Hartford Railroad for its attitude to the new road.

"I am a resident of New Rochelle," he said, "and I favor the building of this road, as does everybody who lives there. This New Haven road should be ashamed to stand here and oppose this road. It wants us, the people who live along its line, to continue travelling on its trains and riding through its hell hole tunnel. It tells us that we must continue to risk our lives by travelling on its lines though we have to take out an insurance policy every time we travel on its cars. I am in favor of your commission granting a certificate to the New York and Port Chester Railroad."

Col. Cole surprised the people gathered at the hearing by reading a letter from William H. Page, Jr., of the Union Railway Company, in which Mr. Page, on behalf of the company, withdrew all opposition to the new road. Investigation had satisfied the Union company, he said, that its interests were in no way threatened by the new road.

Other objections to the new road were entered, but most of them were based on its legal status. W. C. Trull, attorney for the applicant, went fully over this ground, and submitted an opinion by Justice Andrews as to the legal status of the road. The Commissioners decided to give objectors ten days in which to file briefs in reply to this. It will probably be a month before the Commissioners decide the application.

MORE THAN A MILLION IN SUITS.

The New York Central's Heritage From the Park Avenue Tunnel Collision.

WHITE PLAINS, N. Y., Jan. 21.—It is probable that the damage suits against the New York Central Railroad because of the Park avenue tunnel distaster will amount to much more than a million dollars. The heirs of the following victims, it is said, will sue for the sums appended to the names: Alfred M. Perrin, $150,000; William Leys, $150,000; Oscar Meyrowitz, $100,000; Ada Howard, $100,000; William Howard, $100,000; H. G. Dimon, $100,000; Ernest Walton, $100,000; Frank Washburn, $75,000.

The wills of five of the prominent New Rochelle residents who were killed in the tunnel have been filed in the Westchester Surrogate's Court here. When the proving of the wills has been disposed of the heirs will bring suits. A lawyer representing the heirs of Alfred N. Perrin of New Rochelle, Vice-President of the American Paper Bag Company, when he filed Mr. Perrin's will to-day said that the heirs immediately would bring an action against the New York Central for $150,000 damages. Mr. Perrin was a widower and leaves about $32,000 worth of stocks and two life insurance policies for $20,000 to his four daughters, Juliette, Pauline and Eleanor Perrin, who reside at 711 Genesee avenue, Cleveland, Ohio, and Katherine Perrin, who is with relatives at 1800 Centre avenue, Bay City, Mich.

Frank Washburn, one of the witnesses to the will, was also connected with the paper bag company, and he, too, lost his life in the tunnel. William Leys, manager of Altman & Co., another victim, left the shortest will on record in Westchester. It consists of ten lines, in which he bequeaths all his property, worth $50,000, to his widow, Jennie Marie Leys. She will use the railroad for $150,000. Oscar Meyrowitz left an estate of more than $75,000. Ernest Walton in a brief will, in which he asked that his body be cremated, leaves property worth $60,000 to his widow and three children.

TUNNEL VERDICT FRIDAY, MAYBE

Jerome Expects to Call Only One More Witness, President Newman.

District Attorney Jerome went all through the testimony taken so far at the tunnel inquest and afterward announced yesterday that he didn't believe it would be necessary to call any more witnesses save President Newman of the New York Central and Manager Franklin. Mr. Franklin is to be called simply to correct his testimony about the responsibility of the New Haven road for the conduct of the Park avenue tunnel.

The inquest was adjourned till Friday. Mr. Jerome says, because he had learned that Mr. Newman is indisposed. He thinks that Friday will see the close of the inquest, and probably on Friday evening a verdict will be announced. If the jury decides that a crime has been committed Mr. Jerome will begin other proceedings at once.

The State Railroad Commission will open its inquiry into the tunnel disaster to-morrow morning at the Fifth Avenue Hotel, but will probably adjourn till Friday without taking testimony in order to give the members a chance to attend the last day of the inquest.

Compromise in Sutro Will Case.

SAN FRANCISCO, Jan. 21.—The claim of Mrs. Clara Kluge Sutro and her two children, Adolph Newton Sutro and Adelphine Charlotte Sutro, for part of Adolph Sutro's estate, has been compromised for $1,000,000. That sum is to be paid by Mrs. Emma I. Merritt and Charles W. Sutro, two of the six adult children of the late millionaire, the other four children refusing to enter into any compromise.

MEN WHO'LL WELCOME PRINCE

MAYOR LOW ANNOUNCES MAKE-UP OF CITIZENS' COMMITTEE.

Announces, Too, That He Will Give a Dinner to President Roosevelt and City's Royal Guest at Metropolitan Club—Special Performance of Grand Opera.

Mayor Low announced yesterday the names of the men whom he has selected to act on the citizens' committee to take part in the welcome to Prince Henry of Prussia, when he arrives in this country to attend the launching of the German Emperor's yacht. In announcing the committee the Mayor made this statement:

After much effort to learn what time is at command, and what form of entertainment on the part of the city would be most acceptable in the welcome of Prince Henry, I am now able to announce that on the day of the launching of the Emperor's yacht, Feb. 25, the Mayor will give a dinner to the President and the Prince at the Metropolitan Club. This will be followed by a gala performance of the opera, to be conducted through the coöperation of Mr. Grau, under the auspices of the committee herewith appointed.

The dinner will be given by the Mayor personally, and the guests will be, in the main, those whom the official proprieties of the occasion indicate.

In selecting the committee the Mayor has endeavored to name a body of men representing the pulpit, press, education, science, literature, art, commerce, banking, manufacture, trade, transportation, medicine and law.

Any other arrangements that may prove desirable will be made by the committee.

Here are the names of the members of the committee:

SETH LOW, Mayor; EDWARD M. GROUT, Comptroller; CHARLES V. FORNES, President Board of Aldermen.

ABRAHAM, ABRAHAM,
ADRIAN, MICHAEL J.,
AMEND, EDWARD B.,
AVERY, SAMUEL P.,
BAKER, GEORGE F.,
BARNEY CHAS. T.,
BELMONT, AUGUST,
BERRI, WILLIAM,
BLEECKER, JAMES,
BOAS, EMIL L.,
BOWNE, SAMUEL W.,
BROWN, JOHN CROSBY,
BURGHARD, EDWARD M.,
BULL, WILLIAM L.,
CARNEGIE, ANDREW,
COMMANDER, F. S.,
CHANDLER, Prof. C. F.,
CROATE, WILLIAM G.,
CLEMENS, SAMUEL L.,
CILLIS, HUBERT,
COOPER, EDWARD,
CUTTING, W. BAYARD,
DANA, PAUL,
DODGE, WILLIAM E.,
DUNCAN, WM. BUTLER,
EDSON, FRANKLIN,
EINSTEIN, HENRY L.,
FLOWER, FREDERICK S.,
GILROY, THOMAS F.,
GOULD, GEORGE J.,
GRANT, HUGH J.,
GUGGENHEIMER, R.,
HAVEMEYER, HENRY O.,
HAVEN, GEORGE G.,
HELMUTH, Dr. WM. TOD,
HENTZ, HERMAN,
HEWITT, ABRAM S.,
HOWELLS, WM. DEAN,
ISELIN, ADRIAN, Jr.,
JAMES, D. WILLIS,
JULLIARD, A. D.,
KEPPLER, RUDOLPH,
KING, EDWARD,
KINNICUTT, Dr. F. P.,
LANIER, CHARLES,
LANGDON, WOODBURY,
LEDYARD, LEWIS CASS,
LIVERMORE, C. A.,
MAC ARTHUR, REV. R. S.,
MCCALL, JOHN A.,
MCCURDY, RICHARD A.,
MACKAY, DONALD,
MCMAHON, JAMES,
MASON, WILLIAM,
MILLER, JACOB W.,
MORGAN, J. PIERPONT,
MOTT, JORDAN L.,
MAY, JULIUS A.,
NICHOLS, ADOLPH S.,
ORR, ALEXANDER E.,
PARKHURST, REV. C. E.,
PARSONS, JOHN E.,
PEABODY, GEORGE F.,
PINCHOT, JAMES W.,
POTTER, RT. REV. H. C.,
PULITZER, JOSEPH,
PYNE, M. TAYLOR,
REID, WHITELAW,
REYNOLDS, GEORGE G.,
RIDDER, HERMAN,
ROHDE, EDWARD H. M.,
SCHAEFER, EDWARD,
SCHIEBER, CHAS. A.,
SCHURZ, CARL,
SCHWAB, GUSTAV H.,
SELIGMAN, ISAAC N.,
SIMMONS, J. EDWARD,
SLOANE, JOHN,
SNOW, HENRY,
STEWART, JOHN A.,
STILLMAN, T. E.,
STRAUS, OSCAR S.,
ST. GAUDENS, AUGUSTUS,
TAPPEN, FREDK. D.,
THOMAS, DR. T. G.,
TRAUTMANN, RALPH,
UHL, EDWARD,
VAN WYCK, ROBT. A.,
VON BRIESEN, ARTHUR,
WEBB, ALEX. S.,
WHITE, HORACE,
WHITNEY, WM. C.,
WILSON, GEO.,
WITHERBEE, FRANK S.,
WOODWARD, JAMES T.,
ZIEGLER, WILLIAM.

ADLER, FELIX,
ALEXANDER, JAS. W.,
ANDREWS, Rev. Bishop,
BABCOCK, SAMUEL D.,
BALDWIN, WM. H., Jr.,
BATTERMAN, HENRY,
BENNETT, JAS. GORDON,
BERWIND, EDWARD J.,
BLISS, CORNELIUS N.,
BOODY, DAVID A.,
BRAINARD, FRANK,
BRYANT, WILLIAM C.,
BURGESS, Bishop F.,
BUTLER, NICHOLAS M.,
CARTER, Lieut.
CARRERE, JOHN M.,
CHAPIN, ALFRED C.,
CLAFLIN, JOHN,
CLYDE, WILLIAM P.,
CONSTABLE, FRED A.,
CORRIGAN, Archbishop,
CRIMMINS, JOHN D.,
CUNRIED, HEINRICH,
DELAFIELD, RICHARD,
DODSWORTH, JOHN W.,
EATON, Rev. CHARLES H.,
ELY, SMITH,
FAIRCHILD, CHARLES S.,
GIBB, JOHN,
GOTTHEIL, Rev. GUSTAV,
GRACE, WILLIAM R.,
GRISCOM, CLEMENT A.,
HAGUE, JAMES D.,
HAVEMEYER, WM. F.,
HEARST, WILLIAM R.,
HENNINY, JOSEPH C.,
HESTER, WILLIAM,
HIGGINS, A. FOSTER,
HOWLAND, C. GARDINER,
JACOBI, Dr. A.,
JESUP, MORRIS K.,
KENNEDY, JOHN S.,
KILIAN, THEODORE,
KING, WILLIAM F.,
KRADING, REV. E. C. J.,
LAMONT, DANIEL S.,
LANGE, F.,
LIEBMANN, JOSEPH,
LYMAN, REV. ALBERT J.,
MACMANUS, FRED'K. J.,
MCBURNEY, DR. CHARLES,
MCCRACKEN, Chancellor,
MCDONNELL, RT. REV. C. E.,
MCKELWAY, ST. CLAIR,
MAXWELL, HENRY W.,
MILLS, D. O.,
MORTON, LEVI P.,
MUNSEY, F. A.,
O'BRIEN, MILES M.,
OGDEN, ROBERT C.,
PAGE, J. SEAVER,
PARISH, HENRY,
PECKHAM, WHEELER H.,
PETTIT, EDWARD,
POST, GEORGE B.,
PRATT, CHARLES M.,
PUTNAM, G. H.,
REAID, WILLIAM A.,
REWICK, JAMES,
RHOADES, JOHN HARSEN,
ROCKEFELLER, JOHN D.,
ROGERS, HENRY H.,
SCHAUMANN, HERMAN B.,
SCHIFF, JACOB H.,
SCHUMANN, HUGO,
SEARLE, DR. WM. L.,
SHEPARD, EDWARD M.,
SLOAN, REV. THOMAS R.,
SMITH, CHAS. STEWART,
STARIN, JOHN H.,
STILLMAN, JAMES,
STODDARD, HENRY L.,
STEDMAN, EDMUND C.,
TAG, CASIMIR,
TERRY, JOHN T.,
TIFFANY, CHARLES L.,
TWOMBLY, H. McK.,
VANDERBILT, WM. K.,
VIETOR, GEORGE F.,
VON DER EMDE, R.,
WHITE, ALFRED T.,
WHITNEY, DANIEL D.,
WILLIAMS, GEO. G.,
WILSON, RICHARD T.,
WOLFFRUM, E. B.,
WURSTER, FREDK. W.,

The committee will meet on Saturday at noon in the Aldermanic Chamber at City Hall to organize.

Capt. Coghlan Won't Be Hid.

Rear Admiral Barker, commandant of the navy yard in Brooklyn, denied yesterday the report that Capt. Coghlan was likely to be detached from the yard during the visit of Prince Henry to this country.

Safe Deposit Door Was Not Open.

Through an error THE SUN stated yesterday in the account of the sudden death of Levi Kirk, watchman at the Lincoln National Bank, that he died of apoplexy after notifying a policeman that one of the doors leading to the safe deposit vaults had been left open. The door which was found open did not connect in any way with the vaults.

Postal Employees Elect Officers.

At the annual meeting of the Postal Employees' Mutual Aid Association last night Cornelius Van Cott was elected Honorary President, Edward S. Post President, and F. R. Roome Secretary.

During the past year $19,000 was paid out as death claims, and there is $2,500 in the treasury.

Good Things in a Bad Place

Pies, puddings, cake and goodies of all sorts (missionaries excepted) are intended for human use, but such good things should not be put in a bad stomach. They are nearly always made up of nourishing articles such as milk, sugar, butter, flour, etc., etc., but the combinations are too hard for any but healthy stomachs to digest.

You must use carefully selected food if you are a little below par, and the sooner you do this the sooner your stomach will heal up and get strong again so that you can eat whatever pleases the appetite.

Don't be a crank and think you can only drink hot water and eat white bread.

Use Grape-Nuts breakfast food with some rich cream, and you will discover the food will agree with the weakest stomach and supply the highest form of nourishment, pre-digested and ready for quick change into good, rich blood.

Strength (nerve strength) comes from feeding on Grape-Nuts. There's a reason. Try it and prove for yourself.

It seems good to be perfectly well and feel well fed.

PRINCE WILL VISIT CHICAGO.

Story of Anarchists' Threats Will Not Deter Him—Discusses His Trip.

Special Cable Despatches to THE SUN.

BERLIN, Jan. 21.—The correspondent of THE SUN to-day interviewed the best-informed authorities here in regard to the story from Chicago that the Anarchists there had seized upon the occasion of Prince Henry's visit to that city to make threats against royalty and that the German Consul at Chicago had informed the Mayor that unless sufficient protection was assured the Prince's itinerary would be changed.

The officials who discussed the subject here said they believed the story was a fabrication designed to make the Prince uneasy and possibly deter him from visiting Chicago. The correspondent is assured officially that while the Anarchists are likely to use the occasion for making a demonstration all necessary precautions will be taken by the American police and that the Prince's visit to Chicago is settled. It is pointed out that Prince Henry would be the last man to shun a risk which the President must share.

Prince and Princess Henry of Prussia took tea yesterday afternoon at the American Embassy with Mr. White and examined plans and charts connected with their coming trip. The Prince and Princess dine with the Ambassador next Friday. Among the guests who will meet them are Count and Countess von Bülow, the officers of Prince Henry's staff and a few personal friends.

PARIS, Jan. 21.—The *Temps* prints an article this evening on the forthcoming visit of Prince Henry to the United States. It is couched in terms of admiration of America, but suggests pin pricks in its political observations. The writer says that flattery has touched President Roosevelt's weak spot and that Americans love titles whether they are authentic or not authentic. An Italian Duke, a Spanish Marquis, a French Count, a German Baron, and especially an English Lord, can draw the money bags of the plutocrats with irresistible magnetism.

"Still," reflects the writer, "America has the satisfaction of seeing England and Germany disputing for her favor."

SAFE SEIZED ON PIER.

It Was About to Be Shipped to Germany and There's Litigation Over It.

Shortly before the North German Lloyd steamship Kaiser Wilhelm der Grosse left her pier yesterday morning City Marshal John F. Nielson served attachment papers on the baggagemaster at the pier and seized a big iron safe bearing a tag marked "Manny Fizek." The safe had been sent to the pier to be forwarded to Germany. The man who caused the writ to be served was Robert P. Lyons, said to be a wholesale jeweller. He said the safe contained jewelry bought from him on consignment by Abram Fielsach, a retail jeweller.

Lyons explained that Fielsach bought $25,000 worth of jewelry from him some time ago on memorandum. Later he heard that the retail dealer had been selling it for much less than its value, and as the goods had not been paid for he resolved to hunt Fielsach up. Fielsach moved elusively, Lyons said, and could not be found. Finally Lyons heard that he had shipped a safe, which he thought contained some of the jewelry, to the North German Lloyd pier. He secured a writ of attachment and the papers were placed in the hands of Deputy Sheriff Levy.

Lyons found the safe on the pier on Monday night and as Deputy Sheriff Levy was ill with pneumonia, Lyons secured the services of City Marshal Nielson to serve the papers. Lyons watched the safe at the pier until a messenger brought the attachment papers from Levy, and they were served shortly before the ship sailed.

It is believed that Fielsach sailed in the steerage of the Kaiser under the name of Manny or Marie Fizek, which appeared on the tag tied to the safe. City Marshal Nielson took charge of the safe and sent it to a storage warehouse. It had not been opened last night and Nielson says he does not know when its contents will be revealed. He would not open it, he said, until he gets a court order to do so.

TAMMANY ITE'S HEADLIGHT GONE

Matt. Clune Accuses His Valet of Stealing It Before the Van Wyck Reception.

Matthew Clune, who used to be John L. Sullivan's backer when the ex-pugilist was in his prime and who now owns the Vanderbilt Hotel at Lexington avenue and Forty-second street, had Harry O'Grady, one of his elevator boys, in the Jefferson Market police court yesterday and charged him with stealing a diamond stud worth several hundred dollars. The theft, according to Clune, occurred while O'Grady was helping his employer to don evening clothes to attend the Democratic Club reception in honor of ex-Mayor Van Wyck.

Clune said yesterday that he handed the stud to O'Grady with an order to give it to the night clerk, that it might be placed in the hotel safe till next morning. The boy retorted that Clune was muddled and never let the stud get out of his own hand. Under cross-examination Clune reluctantly admitted having had an uncertain but not inconsiderable number of drinks between 11 o'clock in the morning and 7 o'clock at night, when he dressed for the reception.

Magistrate Olmsted held O'Grady for the Grand Jury, but fixed the bail at $500 only.

AMBULANCE RUNS AT FAULT.

Hospital Pays No Damages for Its Collision With a Buggy.

That ambulances have the right of way in the city streets under an ordinance was part of the instructions of Justice MacLean to the jury in the Supreme Court yesterday in a suit brought by Charles Sykes to recover $25,000 damages for injuries in a collision. Sykes was riding in a buggy on Broadway opposite City Hall Park when an ambulance of the New York Hospital answering a hurry call caught a rear wheel of the buggy and threw Sykes out. He was badly injured. The defendant contended that Sykes heard the gong of the ambulance, but was negligent in getting out of the way. The jury found in favor of the hospital.

SOLDIERS SAIL FOR MANILA.

Four Troops 11th Cavalry, One Battalion 29th Infantry, on the Buford.

The transport Buford sailed yesterday from Pier 12, East River, for Manila with Troops I, K, L and M of the Eleventh Cavalry, consisting of 16 officers, 275 men and 50 members of the hospital corps, one battalion of the Twenty-seventh Infantry, made up of 12 officers and six men, and 28 recruits for infantry and cavalry regiments in the Philippines. The soldiers are under command of Col. Moore of the Eleventh Cavalry. Nearly all are young fellows who have never seen active service. The cavalry is from Fort Meyer, Va., and the infantry from the Plattsburgh barracks.

G. L. Jewell Out of the Fire Department.

G. L. Jewell, for many years bookkeeper of the Fire Department and treasurer of the Relief and Life Insurance funds, resigned yesterday to become treasurer of a large silk house. He was a Republican and since 1895 has had charge of the financial affairs of the department. He has received and disbursed for the Relief Fund more than two million dollars.

FIRST SHOT KILLED ALBAN.

REBEL FLEET'S ATTACK AT PANAMA A SURPRISE.

Colombian Governor's Secretary Takes Command, and Is Preparing to Defend the City From an Expected Attack by Land—Boats From the Cruiser Philadelphia Save Some of the Wounded.

Special Cable Despatches to THE SUN.

COLON, Jan. 21.—Further details of yesterday's naval fight in the harbor of Panama show that the Government vessels were surprised by the flotilla of the insurgents. The rebel steamer Padilla fired eight shots at the Lautaro, one of the Government squadron, and set her on fire. She soon afterward sunk in seven fathoms of water.

Gov. Alban was killed by the first shot fired. The Padilla retired after the fight, and it is understood that she has gone somewhere along the coast.

PANAMA, Jan. 14.—Monday's naval engagement here caused intense excitement. All the vessels had Gatling guns and some had quick-firers. The rebel gunboat carried troops commanded by Gen. Herrera.

Gov. Alban, who was on the quarterdeck of the Lautaro, was struck by a bullet from the Padilla and instantly killed.

When the Lautaro withdrew with flames bursting from her portholes, the American cruiser Philadelphia lowered boats and removed the wounded and other survivors from her. The Lautaro speedily sank.

Meanwhile the Darien and Gaitan started for the Government wharf, intending to land troops there. The Chiquito intercepted them and a fight followed. The firing on both sides was very ineffective and the losses were comparatively small.

The Darien soon withdrew in a disabled condition and was eventually beached. The two other rebel vessels went a few miles down the bay. The government steamer Boyaca arrived later, but did not engage the rebels.

The battle was indecisive, but is regarded as a victory for the rebels, who report that twenty of their number were wounded. The number of killed cannot be ascertained. The Government only admits six killed and ten wounded.

It is believed that the rebels will again attempt to land troops, and another battle is expected.

The death of Gov. Alban is a great blow to the Government, and its followers are eager to avenge it.

Arturo de Brigard, Consul-General of Colombia in this city, received yesterday this despatch from Gen. Arzona, secretary of Gen. Carlos Alban, late Governor of Panama:

"Gen. Alban attacked rebel fleet and perished to-day on board Lautaro. Have taken over command and am preparing to defend the city with over 1,000 men."

Señor de Brigard said: "The death of Gen. Alban is a great loss. He has done a great deal for Colombia."

At the headquarters of the Liberal revolutionists in this city Dr. A. J. Restrepo, diplomatic representative, said that he expected to receive soon a despatch direct from Panama, telling of its capture. Of the effect of Gen. Alban's death on the insurrection, the rebel agent said:

"Gen. Alban was the backbone of the Government army and his death means the utter demoralization of its forces on the Isthmus. It is a great blow to the Government and an important victory for the Liberals. He was a terrible enemy and there is no one whom Colombia can appoint to properly fill his place."

Besides his undoubted ability and courage as a military leader, Gen. Alban was an author of some prominence, a lawyer and doctor. He had also won something of a reputation as an inventor. Only a few weeks ago he got a patent from the Patent Office at Washington for a geographical clock, that indicates the time at the principal cities of the world.

A land attack on Panama is also contemplated by the insurgents. They are said to number 4,000 in that department and are well equipped. Their commander is Gen. Benjamin Herrera, one of the most efficient leaders in the Liberal army. Several expeditions bearing arms captured by the rebels at the taking of Tumaco have recently landed near Panama. Among these are eighteen cannon.

WOULD HELP CUBA ONLY.

Havemeyer on the Effect of Reduction of Duty on Cuban Sugar.

In making denial of a report that the American Sugar Refining Company proposed to move its Brooklyn sugar refinery to Norfolk and to establish a line of steamships from that point to Cuba, H. O. Havemeyer, President of the Sugar Refining Company, was quoted yesterday as saying also:

The American Sugar Refining Company has no interest in the island of Cuba in any way, shape or manner, except a water-front property in the harbor of Havana. Any reduction in the tariff would accrue entirely to the sugar interests of the Cuban planters—that is, the planters and those engaged with them in the cultivation of sugar—and would not be reflected in any lower prices of refined sugar in this country. As a proof of that is the operation of the treaty with the Hawaiian Islands since 1876, under which the sugars of the island are free. No benefit in prices has accrued to the consumers of this country.

The American Sugar Refining Company's attitude has been merely to place before the public the operation of the tariff laws on sugar, and to hope that Congress would remove the entire duty on raw sugar. Any partial removal in favor of any country would accrue entirely to that country, and not to the consumers of sugar in the United States.

In Danger.

Every one is in danger who neglects the warnings of declining health. The warnings are not as startling as the sudden shriek of a locomotive, but they are just as ominous. When the body begins to lose in flesh, when the cheek is hollow and the skin sallow it is Nature's warning that the body is failing of proper nourishment. It is a condition of "weak" stomach, and "weak" stomach soon involves other organs. Dr. Pierce's Golden Medical Discovery cures diseases of the stomach and other organs of digestion and nutrition, and cures through the stomach diseases seemingly remote, but which have their origin in the disease of the stomach and its allied organs.

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CAN'T SEARCH DADY'S SAFE.

COURT CUTS HEARING SHORT AND REFUSES SEARCH WARRANT.

Magistrate Says He Doesn't Think Anybody Believes the Alleged Agreement Is in the Safe—Guden Declares Reiss First Tried to Bribe, Then to Ruin Him.

An abrupt end was put by Magistrate Higginbotham in the Lee avenue police court, Williamsburg, yesterday, to the proceedings for a search warrant to hunt in Col. Dady's safe for an alleged written agreement between Sheriff Guden of Brooklyn and Col. Dady, whereby Guden was to turn over to Dady all the fees of his office in excess of $12,000. Sheriff Guden was on the witness stand when Magistrate Higginbotham announced that he would not grant the search warrant. The court room was packed with politicians.

Sheriff Guden told of a visit of Bert Reiss, who made the charges against Guden and Dady, one morning at 2 o'clock to the house to talk over the political situation. They met again the next day in Reiss's private office where, Guden testified, Reiss said: "We will have to sell the old man [meaning former State Senator Jacob Worth] a gold brick. He is an old man and if you go to him in the right way you can get his shirt." Guden said he replied: "I will appeal to him as a Republican and tell him he was an old friend of my father's," to which Reiss replied: "That won't be strong enough. Tell him that Dady made you sign an agreement giving him all over $12,000. Tell him that you are sore, that after working for Dady for so long a time he now wants to cop everything." Guden said he replied to this: "That is too transparent for the Senator," to which Reiss said: "Say that Dady put it in an envelope and marked the envelope 'in case of death return to Charles Guden.'"

When Guden was asked directly whether any agreement was drawn up and given to Mr. Dady with respect to the division of the salary or patronage of the Sheriff's office, Guden replied: "No, that idea originated in the brain of Mr. Reiss." Later in his testimony Guden said:

"All kinds of hot air was thrown at me by Reiss and others. I was told that I could be the comic leader if I worked things right. They told me that I could go higher up, that in a couple of years they would be looking around for a compromise candidate for Governor and that I could be the man. It was a case of jolly all along the line. I was the power at that time and I was in no hurry."

In speaking of his reason for not appointing Reiss as counsel in the Sheriff's office Guden said:

"After all these happenings I could not appoint Mr. Reiss. I went to him and said: 'Now, look, after all this I have lost confidence in you and I cannot appoint you my attorney.' Reiss interrupted: 'Wait, wait, you don't understand. Wait, wait, I can explain.' You can't explain this away.'"

When Lawyer Weinberg asked Guden why he did not deny the statements which were made concerning the contract before election, Guden said it was because Col. Dady was not present. Magistrate Higginbotham then cut off the examination and adjourned court for fifteen minutes. At the expiration of that time he announced his decision. After citing the sections of the Criminal Code relating to search warrants and the provision that they cannot be issued upon probable cause, Magistrate Higginbotham continued:

"I refuse to grant the search warrant, and do so because I do not believe that an agreement of the character which Mr. Reiss and Mr. Fraser and Mr. Attorney and Mr. Sparks's testimony would seem to show that Mr. Guden admitted he had signed is now in Mr. Dady's safe or any other known place, and I believe it would be an abuse of power to grant a search warrant to search a safe containing many of the private papers of one of our reputable citizens, including contracts, estimates, &c., as testified to by Miss Cameron, when I believe and when all the parties to the examination, I think, also believe that it does not now rest in our safe, and I do not want to be understood as deciding upon the one hand that there ever was such an agreement or of deciding on the other hand that Mr. Guden did or did not admit that he had signed such an agreement."