LAWYERS AT SLEUTH JACOBS.

EX-JUDGE FURSMAN AND EX-GOV. BLACK CROSS-EXAMINE.

Didn't Get Much Change Out of the Ex-Car Conductor, Who Goes Over in Detail His Alleged Play at Canfield's and Burbridge's—Case Goes On To-day.

The gamblers had a chance yesterday to take a hack at Sleuth Jacobs, who says he gambled in Canfield's place and in the house at 33 West Thirty-third street, in which Frank Farrell says he has no earthly or unearthly interest. When Judge Fursman and Gov. Black got through cross-examining Jacobs, their respective clients hastened to remark that the witness had shown that he was a lovely romancer. To persons with ears having unprejudiced drums, it appeared that Jacobs, on the whole, made a very fair witness for the prosecution. But the cross-examination is not over.

The cases in which Jacobs testified were those of David W. Bucklin, charged with being the manager of Canfield's gambling house at 5 East Forty-fourth street, and of Samuel T. Smith, colored, charged with being the doorkeeper of the Thirty-third street place. Both cases came up on adjournment before Justice Wyatt of the Court of Special Sessions in the library of the Criminal Courts Building at 10:30 o'clock yesterday morning. The Bucklin case was called first. Bucklin was in court and questioned with the following results:

Q. What is your name? A. David W. Bucklin.

Q. What is your age? A. Forty-five years.

Q. Where were you born? A. In Massachusetts.

Q. Where do you live? A. At 5 East Forty-fourth street.

Q. How long have you lived there? A. I decline to answer. [By direction of Judge Fursman.]

Q. What is your business or occupation? A. I decline to answer. [Same direction from counsel.]

Q. Give any explanation you think proper of the circumstances appearing in the testimony against you and state any facts which will tend to your exculpation. A. I decline to answer. [Same direction from counsel.]

Thereupon Jacobs was sworn. He said that he was a special patrolman for the Citizens' Union, that he first saw Bucklin on the night of Nov. 25, at 5 East Forty-first street, somewhat after 11 o'clock.

Q. Did you go to the house alone? A. I did not. I went there with a man named Willard. We went through the outer door, which was open and pushed the bell. Willard spoke to the doorkeeper and we passed in. We went upstairs and saw Bucklin, who was introduced to me.

Q. What was said? A. Willard said: "This is a friend of mine." Bucklin replied: "How d'y' do? Make yourself at home." Bucklin stood at the edge of the big alcove room, about five feet from the head of the stairs.

Q. How large is that room? A. I should say about forty feet long and not quite as wide as this room. [The library is about twenty feet wide.]

Q. What do you mean by an alcove room? A. It has an alcove railing, with a kind of an L. There was a room back there with a long table in it, used for food. I think it had a cloth on it. Willard led me to the faro table.

Q. How many tables were there? A. I think three, two roulette tables and one faro. I bought $50 worth of chips at $2.50 each.

Jacobs then described the lay-out of the faro table at which he played, told how the game was played and said that he lost the fifty. Then he played roulette.

Q. How many chips did you buy? A. Twenty or $25 worth. I think the chips were $1.25 each.

Q. Did you see Bucklin again? A. I saw him go to the tables and look at them.

Q. How was he dressed? A. A kind of—evening suit. I also saw him speak to three other parties, first two and then one.

Q. By the way, I meant to ask: Were you introduced to Bucklin by any name? A. Smith, I believe the name was.

Q. Did Willard say, "Mr. Bucklin, this is Mr. Smith?" A. I think it was something like that.

After a few more questions the Assistant District Attorney turned the witness over to Judge Fursman. The Judge began with Jacobs shortly after he was born in Boston and got him to give an account of himself from the time he left there at the age of 14, as a sailor on the Pacific, as a miner, waiter, ranchman, deputy sheriff and marshal in the West and back again to New York, where he said he came to live about nine years ago. In questioning him about his experiences as deputy sheriff, Judge Fursman asked:

"Did you ever shoot anybody?"

"I can't remember," was the answer.

Q. How many men did you shoot? A. Can't remember.

Q. Ever kill anybody? A. No.

Q. When you came to New York, what did you do first? A. Worked as conductor, and transfer agent for the Third avenue railroad, and then I did a little detective work for John Beaver, an officer of the road.

Q. Why did you leave? A. I was discharged.

Q. Did you know why you were discharged? A. Yes, I know. I knew too much about the crooked work of Naughton & Co.

Q. Weren't you discharged for holding out fares? A. They said I was, but I wasn't.

Q. You testified in the Downs case before Col. Partridge, did you not? A. I did.

The Bucklin case was here adjourned until this afternoon at 2 o'clock. The Smith case was called and Jacobs was sworn again. He told of going to 33 West Thirty-third street on the evening of Nov. 26 in company with his friend Willard, who, he said, was a gambler he had met at the Rossmore Hotel. Smith let them in and told them to go up stairs. At this point Gov. Black said:

"If there are any other witnesses here to corroborate this man I ask that they be excluded from the room."

Two men were ordered out. Jacobs then went on to say that he found another alcove room on the second floor of this house, where there were also two roulette wheels and a faro table. He played roulette, lost $50 and quit.

Q. What happened then? A. We went downstairs and Smith let us out, saying: "Good night, call again." I called on Dec. 1 [the night of the raid].

By Gov. Black—You say you're a patrolman for the Citizens' Union. Were you that on Dec. 1? A. I was.

Q. Then if, in your complaint, you swore you were a clerk, it wasn't so, was it? A. No.

Q. Did you so swear? A. I suppose I did.

Q. What's your business as floorwalker for the Citizens' Union? A. [The witness looked puzzled.] I ain't no floorwalker. [Laughter.]

Q. Do you know anything about the Citizens' Union? A. No.

Q. Isn't it a mission of some kind? A. I don't think so.

Q. Well, you know what its pretenses are? A. I know its pretenses are good, Governor.

Q. Of course, else you wouldn't be connected with it. Did you ever detect any other gambling? A. Oh, yes.

Q. Did the cases ever come up in court? A. [proudly] Yes, indeed. I appeared many times in court.

Q. So that you were pretty well known? A. I guess I was.

Q. And yet, after you had appeared many times in court and were pretty well known, you had no difficulty in getting into this house? A. I got in.

Q. Who sent you to that house? A. Mr. Lippert.

Q. Who's he? A. I think he's assistant secretary of the Citizens' Union.

Q. Who made complaint of this house to this mission? A. I don't know.

Q. Did the District Attorney give you any money for this business? A. No.

Gov. Black got the witness to admit that he had sworn in his affidavit to many minor mistatements, which he called "over shots," but the important parts of Jacobs's testimony were not materially shaken. At 2 o'clock the Smith case was adjourned until 2 o'clock this afternoon.

The criminal proceedings against Police Inspector Brooks were adjourned at the Yorkville police court yesterday afternoon until 2 o'clock on Monday afternoon. Former District Attorney Philbin has offered to act as Brooks's counsel and the offer has been accepted.

Eighteen Students Suspended for Hazing.

ANNAPOLIS, Md., Dec. 17.—President Fell announced at chapel exercise this morning the penalties which the faculty had inflicted on account of the hazing of preparatory students and the attack on Prof. Rippers on Sunday morning. Eighteen students were indefinitely suspended. Three of the suspended students are juniors, twelve sophomores and three midshipmen.

SUNDAY CONCERT IN A SCHOOL

Board of Education Decides to Permit the Use of a Building.

At the meeting of the Executive Committee of the Board of Education yesterday the question of permitting the Public Education Association to give concerts in Public School 38 in West Twenty-eighth street on Sunday afternoons, came up. There was also a request of the Gaelic Choral Union to use the assembly room in Public School 40 in East Thirty-seventh street.

"If we grant this request we will establish a precedent for the rest of the country," said Commissioner Lummis. "Shall our city government go into the musical and theatrical business on Sundays? A delegation of clergymen waited on the committee in charge of this matter and protested against Sunday concerts in the schools and their views are entitled to consideration. It is difficult to make up a musical programme that would have no objection. I have here one of the programmes and I see on it a plantation melody. Surely that is not classical. The schools should not invade the domain of the churches or desecrate the American Sabbath."

"These concerts are elevating and wholesome for the people, although some clergymen do object to them," asserted Gen. Wingate. "I never heard of any movement designed for the benefit of the people that some clergymen did not object to it at the start. These rooms would be empty on Sunday afternoon. It does not cost us anything and there is no better way of utilizing them for the public welfare."

Commissioner Guy said the delegation of clergymen wanted to know whether the concerts were to be anti-religious, semi-religious or religious and added:

"I told them the Board of Education was not religious."

"Speak for yourself only," interrupted Gen. Wingate.

It was finally decided to grant the request of the Public Education Association and the Gaelic Choral Union.

President Burlingham introduced Carlos Silva Cruz, a member of the Department of Education of Chile, who has been sent to this country to study American methods in the matter of public education. Señor Cruz made a little speech in excellent English in which he said:

"The people of Chile feel a change coming in their relations with Europe and they want to get in closer friendship with this country. The resources of our country are great and we want American capital invested there to develop the natural resources. The most of our commerce is with Germany, but we want to spread out more."

SOUVENIRS FOR THE ROOTS.

Remembered in Will of Salem H. Wales, Which Was Proved in Riverhead.

RIVERHEAD, L. I., Dec. 17.—The will of the late Salem H. Wales was proved yesterday afternoon. The testator's son, Edward H. Wales, presented the petition. He said the value of the estate was in excess of $10,000 real and $10,000 personal property.

The will gives to the widow, Mrs. Frances Elizabeth Wales, all the testator 'sinterest in pictures, bronzes, engravings and furniture in the country house in Southampton and the city home in Manhattan, also the land and buildings in Southampton.

To Clara Wales Root, wife of Secretary of War Elihu Root, a daughter of Mr. Wales, are bequeathed the clock and chair presented to the testator by Cornelia Ward Hall and a picture presented by the Mayor of New York on the fiftieth wedding anniversary of Mr. Wales. To Edward H. Wales, the son, are bequeathed the library, watches, jewelry and the gold loving cup presented to Mr. Wales by his associate directors of the National Bank of North America on the same occasion.

Secretary Root will receive the diamond ring which was given to the testator by his wife on the fortieth anniversary of their marriage, also a gold nugget presented to Mr. Wales by his relative and friend, Charles L. Tiffany, and a bronze statue of Julius Cæsar.

The Rogers Memorial Library of Southampton is bequeathed $50; to Samuel B. Wales, a brother, $1,000; to each of S. B. Wales's children, $500; to a niece, Martha S. Buck, all the testator's interest in a house in Wilmington, Del., and money is to be provided from the estate to pay off any mortgage there may be on it.

All the residue is left to the widow and children equally during the life of the widow. At her death the estate is to be divided equally between the children, Clara Root and Edward H. Wales.

Mrs. Wales, and Edward H. Wales are named executors. The will was drawn on April 22, 1902, and witnessed by Edgar H. Hildreth and Charles H. Hildreth of Southampton.

QUARREL OF BOHEMIANS.

Lawyer Has the Lawyer of a Complainant Against Him Arrested.

Vincent Woytisek, a well-known lawyer and politician, and Bernard Herc, interpreter at the Yorkville police court, have been sued by Alois Lupinek for $10,510 for alleged false arrest and imprisonment and gave $400 bail each yesterday under an order of arrest issued by Justice Scott. Lupinek alleges that the defendants, together with T. J. Tunney, a policeman, and J. F. Brodie, a wine agent, who are made codefendants, pretended to arrest him on a charge of stealing $360 and that he gave up $360 to Herc at the court.

Woytisek says that Lupinek's charges, presented by Lawyer Francis Nekarda against Herc, were examined last summer by City Magistrates Flammer, Hogan and Brann as a committee of the Board of City Magistrates, who reported that they were groundless, whereupon the board unanimously dismissed them. Nekarda brought the present suit for Lupinek last May, but has only just got the order of arrest. Woytisek says he supposes it is a counter attack for a suit brought by him against Nekarda to recover moneys for one Jan Simek. All the parties are Bohemians.

THIS OLD OVERCOAT CAME HIGH.

Man Loaned $4 on It, Then Loaned the Coat and Paid $25 to Get It Back.

An overcoat so old that a hobo might refuse to wear it is the cause of a lot of trouble in Newark. Samuel Jarkowski owned the coat and borrowed $4 on it from a friend who loaned it to a man who went to Pittsburg with it. Jarkowski, when he learned that the coat was out of the city, lodged a complaint against his friend in the Fourth precinct police court, and several hearings were held, witnesses being taken away from their work to give testimony and losing much time that meant money with them.

Finally the man who loaned the $4 on the coat went to Pittsburg at a cost of $25, got the coat and returned it to Jarkowski yesterday. The latter paid the $4 without asking any discount for wear and tear on the garment.

ANTI-SALOON LEAGUE SPIES.

Acts of Two Syracuse Law Students to Be Investigated by Their Classmates.

SYRACUSE, Dec. 17.—The senior students of the Syracuse Law College have appointed a committee of three to investigate the cases of A. M. Wendall and M. H. Hall, law students, who have been visiting various resorts in Syracuse to gather evidence for the use of the Anti-Saloon League. The seniors contend that the two men are guilty of acts not in accordance with the dignity of their profession. Upon their evidence Frank Matty was to-day held for the Grand Jury, charged with selling liquor on Sunday. Matty is an Alderman.

JOTTINGS ABOUT TOWN.

B. Altman & Co. announce that beginning on Friday, Dec. 26, their store will be closed at 5 o'clock P. M. daily. This is following out the custom for the winter months initiated a year ago.

UNDER NORTH RIVER BY 1904.

N. Y. AND JERSEY CARS MAY RUN IN 18 MONTHS.

Franchise the Aldermen Passed Gives Erie and D., L. & W. Passengers a Car Route Into Manhattan—The Two Railroads Do Not Control the Tunnel Company.

In eighteen months the tunnel of the New York and Jersey Railroad Company, for which a franchise was granted on Tuesday in ten minutes by the Board of Aldermen, will be completed and in operation carrying passengers in and out of Manhattan, according to the confident statements made yesterday by the officers of the company.

Electric cars will be used, running at half-minute headway and bringing passenger in six minutes from the Jersey City terminal to a station at Greenwich and Christopher streets where they may connect with both surface and elevated lines.

Comptroller Grout, when he learned that the Aldermen had passed this grant said:

I regard this contract as almost if not quite as valuable and important to the city as the one with the Pennsylvania. I have information, which I believe is reliable, that the company that obtained the franchise is owned and controlled by the Erie and the Delaware, Lackawanna & Western railroads. I understand that it is the purpose of those companies to tunnel into the city at the same time that the Pennsylvania road does. The result will be the entrance into the city of three of the big Western railroads instead of one.

President W. G. McAdoo of the New York and Jersey Railroad Company said later that the statement that the Erie or the Lackawanna railroads owned or controlled the franchise was incorrect. He said:

"We expect to carry the passengers who travel to and fro by these roads as we expect to carry other passengers. But our purpose is to run electric cars, not trains. We cannot under the grant use any medium of propulsion that produces combustion in the tunnel. While we could run electric trains it is not our intention to do so. Nor shall we handle any freight. The capacity of this tunnel will be exhausted by the demands on it for passenger traffic. At present a ferryboat makes the trip from river bank to bank in ten minutes if nothing gets in its way. The ferries run every ten or fifteen minutes. We will run cars every thirty seconds in the rush hours and we will take a passenger right into New York to the elevated or surface lines in six minutes. We have acquired all the real estate we need in New York for our terminal facilities. As soon as the Mayor has signed the franchise we will be ready to rush work and I have no doubt that in eighteen months we shall be in full operation."

President McAdoo gave out the following statement about the company:

The New York and Jersey Railroad Company was organized under the laws of the State of New York to complete the tunnel begun some years ago by the Hudson Tunnel Railway Company. At the present time more than 4,000 feet of this tunnel have been constructed from the New Jersey side and a gap of only approximately 1,400 feet remains between the completed end of the tunnel and the New York shore. Active work on the tunnel has been in progress for some months under the supervision of Chief Engineer Charles M. Jacobs.

The New York terminals will be in the block bounded by Christopher, Greenwich and West Tenth streets, where sufficient real estate was purchased some months ago.

Now that the franchise has been granted by the Board of Aldermen, active work will be begun from the New York end as well, provided, of course, Mayor Low approves the grant made by the Board of Aldermen. This is a great public work, but has attracted little notice because of the intense public interest in the larger undertaking which the Pennsylvania Railroad Company has under way. It is expected that our tunnel will be completed and cars will be in operation through it within eighteen months. It is designed to operate this line for trolley purposes only.

Neither the D., L. & W. nor the Erie Railroad has any interest in the enterprise.

The officers of the company are as follows: W. G. McAdoo, president; Edmund C. Converse and Walter G. Oakman, vice-presidents; Henry A. Murray, treasurer; Charles W. King, secretary; directors—E. H. Gary, Walter G. Oakman, E. C. Converse, Frederic B. Jennings, A. N. Brady, John G. McCullough, John Skelton Williams, G. T. Rogers and W. G. McAdoo of New York, and E. F. C. Young and David Young of Jersey City.

The terminals in Jersey City are not yet finally determined upon, but connections will be made with the railroad and trolley lines.

The tunnel will reach Manhattan at a point near the foot of Morton street and between the docks of the French line and the Anchor Line. It will run under Morton street two blocks, then north two blocks to the station at Christopher and Greenwich streets, where it will lie beside the Christopher street station of the Ninth avenue elevated and beside surface lines that run in all directions.

The completed section of the tunnel begins in the general yards of the Delaware, Lackawanna and Western and runs 4,000 feet across the river. Work has been done from the New York side, too, 200 feet having been constructed west from the foot of West street.

The Jersey end of the tunnel is close to the Erie railroad's terminus. It is proposed to build a spur to the Hoboken passenger station of the Lackawanna. Thus it will be to the convenience of passengers arriving on either of these railroads to enter New York by the tunnel line.

When foreclosure proceedings were brought against the old Hudson Tunnel Company, which began this tunnel, judgment was entered for little over $4,000,000, which represented practically the whole cost of the work to that point. The present company expects to add $6,000,000 to the disbursement, so that the total cost will be a little in excess of $10,000,000.

Jacobs & Davies, engineers of this tunnel, are also the engineers of the Pennsylvania tunnel. President McAdoo said yesterday that there was no significance in this. They were the engineers of the old Hudson tunnel company and were on this job before they were engaged by the Pennsylvania.

The franchise for this tunnel was sent to the Board of Aldermen last July by the Rapid Transit Commissioners and was referred to committee. The franchise was printed in the *City Record* of Dec. 11. Fifteen of the Aldermen who voted against the Pennsylvania tunnel opposed this grant. The rest thought that consistency required them to support both measures. The terms are much the same as in the Pennsylvania franchise.

Although the Mayor is a member of the Rapid Transit Board his approval of this franchise, he was surprised when he heard of its passage.

"This is news to me," said the Mayor. "Very interesting news. It is a big thing and means a great deal to the city."

President Cantor of the borough of Manhattan said he left the meeting of the board Tuesday before the franchise was brought up.

"I do not believe it is right to assume that this grant was railroaded through or put through surreptitiously," said President Cantor. "The men on the board of directors are responsible and respectable men. Of course, I knew of the existence of this company and of its application, for during the summer I issued a permit for test borings on the line of the proposed tunnel."

President Underwood of the Erie and President Truesdale of the Lackawanna said it was not true that their roads owned or were interested in the New York and Jersey Railroad.

WORK ON P. R. R. TUNNEL

Will Begin Simultaneously on Both Shores of Manhattan—Power House in Queens.

Samuel Rea, fourth vice-president of the Pennsylvania Railroad, went to Philadelphia yesterday to consult with officers of the road on the plans of the Pennsylvania Railroad tunnel.

The engineers of the tunnel have done an immense amount of preliminary work. Shafts have been sunk in various parts of both the East and the North rivers to ascertain what conditions must be met in the construction. Shafts, too, have been sunk for test purposes across the island of Manhattan in the line of Thirty-second and Thirty-third streets.

Chief Engineer Charles M. Jacobs said yesterday that it might be possible to complete the work in three years instead of five. Work will be begun simultaneously at Thirty-second street and Hudson River, at Bergen Hill in West Hoboken and at Thirty-second street and East River.

The tunnels under Thirty-second and Thirty-third streets will be built at once. The tunnel under Thirty-first street will not be undertaken for the present.

President William H. Baldwin, Jr., of the Long Island Railroad said yesterday that within a short period one of the largest electric powerhouses in the world will be built on a block of vacant ground in the Hunter's Point section of Long Island City owned by the railroad company. The future plan for the development of Long Island by the Pennsylvania Railroad had depended upon the Pennsylvania Railroad obtaining the tunnel franchise. Electricity will be the motive power on every line out from the western terminal and a frequent electrical suburban service will be given to places within eighteen or twenty miles of New York. Power for the operation of the underground tunnel and the suburban lines will be supplied from the proposed powerhouse in Hunter's Point.

Mayor Low expressed his gratification at the passage of the grant in a statement in which he said:

The terms secured for the city in connection with this franchise mark a new era in the dealings of municipalities with such subjects. They are particularly gratifying to me, for it has been my good fortune to secure the insertion in the rapid transit act, both in its earlier form and again this year, of the provision for a periodic revaluation of franchises, when such franchises, from the nature of the case, have to be granted without terms. Franchises that are complete in themselves and wholly within a city should not be and need not be made perpetual, but franchises that are mere fragments will in a city of perpetual grants on the outside must probably be given, for many years to come, in the form adopted in this instance; that is to say, with a reservation to the city of the right to share in the growing value of the franchise by a provision for the periodic adjustment of the payment to be made to the city for the grant.

President J. Edward Swanstrom, of the borough of Brooklyn, yesterday sent a letter to the Pennsylvania Railroad Company, saying that he had supported the tunnel grant from the first and that the grant was due, in large measure, to the votes of the Brooklyn Aldermen. Then he says:

I am informed that the reason why you declined to accede to the request of the labor men for the insertion in the contract of the prevailing rate of wages clause and the eight-hour clause was that you did not desire to place the company in the position of acceding to clauses which were unconstitutional and which, if inserted in the contract, would simply have been an attempt to blind and to deceive labor.

Now that the franchise has been granted, it seems to me that it would be proper for you to accede to the wishes of the labor men by voluntarily consenting to the conditions which they have asked for, namely, that in the building of the tunnel the prevailing rate of wages shall be paid to the workmen and the eight-hour law complied with. Trusting that you may see your way clear to grant this request, I am yours very truly,

J. EDWARD SWANSTROM.

WILL HURRY TUNNEL WORK.

Pennsylvania Officials Say No Time Will Be Lost in Getting Project Under Way.

PHILADELPHIA, Dec. 17.—Samuel Rea, fourth vice-president of the Pennsylvania Railroad, under whose supervision the great tunnel work in New York will be managed, said to-night that he did not think that he would make New York his permanent residence. He will go there at least once a week to guide the big enterprise. In speaking of the franchise fight Mr. Rea said:

"Of course we are glad that the matter is settled, but with the public sentiment of the whole country, as expressed in the press especially, of New York and Philadelphia, in favor of granting the tunnel franchise, it was bound to go through eventually. The tunnel will be rushed to completion as rapidly as possible. Our engineers have long been engaged on it but it is a gigantic undertaking and there is still much to be done. I do not expect it to be finished in less than three years, at the minimum limit.

"The work on the shore ends—that is the sinking of shafts—can be started immediately and doubtless the whole operation will be under way before the close of winter. I cannot say where the men to be employed will be chosen, whether in this city or New York. That is not a matter for the railroad to decide, nor is the question of their rate of wages. Those matters rest entirely with the contractors."

John P. Green, first vice-president, said:

"We have $10,000,000 invested in New York in property which is lying idle, and there will be no delay in utilizing it. The opposition to the plan of the road came from ignorance on the part of the Aldermen of the real objects and purposes of the company. They were not men who were accustomed to large affairs, and did not appreciate what the company intended to accomplish. They had an idea that we intended to take the trade away from New York and divert it to Montauk Point at the end of Long Island. That was, of course, absurd. We will unite Brooklyn and New York more closely than they have ever been, and will make them in reality one great city.

"The engineers' plans are almost perfected and work will be begun as soon as they are finished. We are, practically, under bonds to do it. We have $40,000,000 to spend in the next three years, and no time will be lost. The influence that brought the New York Board of Aldermen finally to see the light was the force of public opinion shown in the columns of the influential press and in other ways."

Aged Widow Found Dead in Her Chair.

SARATOGA, Dec. 17.—Mrs. Ruth Strang, a widow, 82 years of age, who lived alone at Quaker Springs, Saratoga, county, was found dead in her chair near a fireless stove last night. It is believed that she had been dead fully two days before she was missed.

Court Calendars This Day.

Appellate Division — Supreme Court — Nos. 7, 46, 8, 32, 74, 76, 77, 79, 80, 81, 82, 83, 84, 85, 86.

Supreme Court—Special Term.—Part I.—Motion calendar called at 10:30 A. M. Part II.—Ex parte matters. Part III.—Case unfinished. Motions. Demurrer—No. 24. Preferred causes—Nos. 1992 2021, 1008. General calendar—Nos. 1224, 1073 588, 1961, 820, 1366, 1391, 1363, 1394, 1418, 1443, 1416 1469, 1474, 1482, 1483, 1486, 1526, 1527, 551, 847, 1222, 1176, 1057, 929, 1089, 832, 692, 958, 1063, 1315, 1317 466, 1493. Part IV.—Case unfinished. Cases from Part III. Part V.—Case unfinished. Cases from Part III. Part VI.—Case unfinished. Cases from Part III. No elevated R. R. cases. Trial Term.—Part II.—Clear. Short causes—Nos. 7734, 5187, 6189, 8561, 6905, 6915, 7256, 7725, 7859, 8216, 8593, 8572, 8670, 8762, 7840, 7355, 8327 8716, 8756, 8816, 8824, 8833, 8805, 7857, 8600, 5322, 8846, 6232 8709, 8723, 8830, 4779, 7748, 7552, 7553, 7554, 7555, 8827, 8802, 8106, 8903, 4560, 7621, 7634. Part III.—Clear. Nos. 753, 1475, 1506, 1405, 1415, 1441, 1442, 1445 8401, 1447, 1420, 1458, 1459, 1468, 1471, 1482, 1483, 1517, 1523, 1529, 1530, 1535, 1540, 1541, 1543, 1544, 1545, 1549, 4066, 1550, 1552, 1556, 1564, 1228, 1612, 1613, 1641, 1642, 1645, 1649a 1649b. Part IV.—Clear. Cases from Part III. Part V.—Case unfinished. Cases from Part III. Part VI.—Adjourned for the term. Part VII.—Case unfinished. Cases from Part III. Part VIII.—Case unfinished. Nos. 776, 1453, 914, 777, 485, 1514, 7096, 1422, 1423, 1427, 1437, 1443 1512, 1516, 1532, 7070, 1533, 1572, 1586, 1587, 1595, 1596, 1602, 1611, 1614, 1619, 1554, 1555, 1622, 1623, 1626, 1627, 1629, 1635. Parts IX. and XIII.—Adjourned for the term. Part X.—Case unfinished. Cases from Part VIII. Part XI.—Case unfinished. Cases from Part VIII. Part XII.—Case unfinished. Cases from Part VIII.

Surrogates' Court—Chambers.—For probate—Wills of Mary A. Westman, Louisa Leib, Louisa S. Elfent, William Raab, at 10:30 A. M. Trial Term.—No. 1864—Will of Anna W. Ferris, at 10:30 A. M.

City Court—Special Term.—Court opens at 10 A. M. Motions. Trial Term.—Part I.—Clear. Nos. 1586, 1270, 1109, 1050, 1237, 1178, 473a½, 1280, 1265, 1642, 1763, 1416, 1487, 228, 1110. Part II.—Clear. Nos. 3015, 1713½, 1127, 1778, 1779, 1698, 1702, 1701. Part III.—Case unfinished. Nos. 1937, 1491, 1892, 1970, 1151, 1936, 878, 202, 485. Part IV.—Case unfinished. Short causes—Nos. 4486, 4489, 4650, 384, 4553, 4339, 4827, 4554, 4862, 4805, 3669, 4923, 4917, 974, 4803. Part V.—Case unfinished. Nos. 1555, 2115, 2116, 2127, 2128, 1067, 1744, 2121, 873, 819, 1267, 1209, 1282, 771, 791, 1209, 1051.

CITY TO MAKE N. Y. CENTRAL PAY

GROUT'S IDEA TERMS LIKE THE P. R. R. TUNNEL TERMS

For Use of the Subterranean in Its Terminal Improvement—Board of Estimate Will Also Insist on Bridges at Grade, the Company to Pay for Them.

The New York Central railroad will have to pay the city rather heavily according to present indications, for the privilege it is seeking from the municipality to allow of the enlarging of its terminal facilities. About three months ago, when the company first presented its plan for the widening of Park avenue and the closing of the intersecting streets between Forty-fourth and Fifty-sixth streets, it offered to pay the cost of the condemnation proceedings and to purchase the ground to be acquired. Property owners vigorously opposed the plan and showed that the company by expending more money and depressing its tracks need not interfere with the surface of Park avenue or the intervening streets. Almost without argument the company agreed to make the depressions, but suggested that the city ought to bear the cost of building the bridges across the streets and that no charge should be made for the subterranean occupation by the company of the westerly side of Park avenue and about the Grand Central Station.

It is now stated that the Board of Estimate will not accede to these terms, but will demand that the company bear practically the whole cost of the bridges and carry them over the avenue at grade, which will involve lowering its tracks several feet further than it proposes. Moreover, Comptroller Grout will insist that the company shall compensate the city for the large area of vault space it has applied for. Mayor Low and Borough President Cantor, the other two members of the Board of Estimate's committee appointed to consider the New York Central's proposition, will probably support Mr. Grout as to this.

One of the reasons which has determined the committee to take this attitude is that as the Pennsylvania company has agreed to pay for the permission to tunnel beneath the city's streets there is no cause why the New York Central should not be made to pay for running tracks below Park avenue and Vanderbilt place. When it was first intimated to the Pennsylvania company that the city would insist upon a yearly rental for every foot of track laid and for vault privileges, Mr. Cassatt and his colleagues objected that the New York Central had never been similarly taxed and that the city had even borne a large share of the cost of the improvements that the Central had made from time to time.

As a preliminary to fixing the basis of compensation, Comptroller Grout has had Eugene E. McLean, the chief engineer of his department, make a report upon the financial value of the privileges sought by the New York Central. Mr. McLean says of the Central's revised plan:

The city will give the railroad company the use of the surface of certain streets now already used and controlled by the railroad company, the easement or vault privileges to run under the surface of the westerly and easterly roadways of Park avenue from Forty-ninth to Fifty-seventh streets, vault privileges under the sidewalks at different points around the yard, and the easement to cross under the surface of Forty-second street to connect with the Rapid Transit subway. The city will also be obliged to construct and maintain the bridges and viaducts that cross at each street from Forty-fifth to Fifty-sixth street inclusive.

Using the usual methods and customary charges for similar privileges granted to private parties, I estimate the city would give the New York Central and Hudson River Railroad Company privileges which are worth $2,497,345.00, and be obliged to construct eight street bridges and four viaducts at a total cost of $848,000. This does not include the item of maintenance, which will be at least $25,000 per annum.

In addition Mr. McLean estimates the value of the street surface now occupied by the company, and not owned or controlled by it, at $786,000, and the value of the easement asked for to connect the system with the Manhattan Rapid Transit Railroad at $175,000. The estimated value of the street surface used and owned by the company in Park avenue is put at $4,062,000.

Comptroller Grout said last night that the values in Mr. McLean's report had been capitalized on a 4 per cent. basis and that while the company would be asked to pay the city for the privileges it had applied for it was not probable that the Board of Estimate would bind itself to this valuation to determine what compensation the railroad would be required to pay to the city.

FISH MARKET RIVALRIES.

Some Sort of Provision Is to Be Made for the Outsiders.

The fight begun some time ago by the Wholesale Fish Exchange and the Independent Fish Dealers' Association to break down the control by the Fulton Market Fish Mongers' Association of the waterfront in South street set aside for fish market purposes, was renewed yesterday at the meeting of the Sinking Fund Commission.

The Fish Mongers' Association owns the leases of parts of the two piers at the foot of Fulton and Beekman streets, and the bulkheads between the piers. One of the leases runs out in 1905, and the rival organizations, upon the contention that the association cannot use the whole of the space and wishes to renew the lease merely to exclude competitors, have applied to the commission for a part of the space.

Dock Commissioner Hawkes has sought to compose the strife by arranging to give all three bodies accommodations on the river front. Mr. Hawkes recommended that Pier 17 be widened to forty feet at the in-shore end, that Pier 18 be torn out, and that a platform 150 feet wide be erected between Piers 17 and 19. This platform he would let the fishmongers occupy, and he would put the exchange on Pier 17, giving such room on the platform to the independents as they might seem to be entitled to. The Wholesale Fish Exchange and the independents readily consented to accept this plan yesterday, but the Fulton Market men objected strongly. They said they needed all the water frontage now occupied by them because of the large number of smacks they owned. The other two organizations, they said, owned only one smack between them. The Fulton Market men accused the Wholesale Fish Exchange men of representing a Western freshwater fish trust, and said that the independents were merely a few retailers whose claims ought not to be considered.

The whole matter was referred back to Commissioner Hawkes with the understanding that the three organizations should confer, with a view to reaching an amicable agreement. Both Mayor Low and Comptroller Grout, while pointing out that the Fulton Market dealers were entitled to first consideration, made it clear that the commission would insist upon the providing of some facilities for the other dealers.

Police Chief Never Served on Force.

Street Commissioner and Democratic Boss Thomas Magner was yesterday appointed by Mayor Egbert Seymour as Chief of Police of Bayonne, N. J., to fill the vacancy caused by the death of Chief John B. McNeill. Magner is a lieutenant of Bob Davis, the Hudson county Democratic boss. He will assume command of the police department on Jan. 1, without ever having done police duty.

Administrator of Old Sarah Waters's Estate.

Surrogate Thomas has appointed the New York Security and Trust Company temporary administrator of the estate of Mrs. Sarah Ann Waters, the old woman whose property was the cause of much litigation just before her death.

G. H. Mumm & Co.

Extra Dry

CHAMPAGNE

Importations for Five Years

TO NOVEMBER 1, 1902.

3,665,988 BOTTLES

305,499 CASES

more THAN ANY OTHER BRAND.

An achievement unparalleled in the History of the Champagne Trade.

The famous 1898 vintage now arriving is destined to make a still more emphatic increase.

BEST & Co

LILIPUTIAN BAZAAR

Toys, Dolls and Games For Christmas.

Naturally the Children's Store is the first place to look for Children's Presents of all descriptions, suitable for the purposes of good old Santa Claus.

Those who look will not be disappointed. The things are here in great variety, and at moderate prices.

Morning Shopping and Early Selections Advised.

60-62 West 23d Street.

NEW NEIGHBOR FOR CARNEGIE

I. TOWNSEND BURDEN TO BUILD NEAR THE IRONMASTER.

The Highlands of Fifth Avenue Now Becoming as Fashionable as the Lower Section—Four Years Ago Society Gave the Cold Shoulder to the Nineties.

I. Townsend Burden, who recently sold his house at 5 East Twenty-sixth street, facing Madison Square, to the Hotel Brunswick syndicate, will erect a new residence for himself on a site which he has secured from Andrew Carnegie, at the south corner of Fifth avenue and Ninety-second street.

Four years ago, when Mr. Carnegie decided to build in what he terms the Highlands of Fifth avenue, between Ninetieth and Ninety-first streets, he bought up the adjoining block front between Ninety-first and Ninety-second streets, with a view to being able to keep away undesirable neighbors. It is part of this property that has been sold to Mr. Burden.

Some time ago a frontage of 135 feet on the north side of Ninety-first street was bought by W. D. Sloane, who is putting up two fifty-foot houses, with a thirty-five foot court between them, for his daughter, Mrs. James A. Burden, Jr., and Mrs. John Henry Hammond. This plot, together with the adjoining Fifth avenue corner, comprises Mr. Carnegie's holding in Ninety-first street opposite his mansion.

I. Townsend Burden's purchase includes 50 feet on the avenue and 100 on Ninety-second street. He has, however, taken an option on two adjoining lots. If this option is exercised he will have half the Fifth avenue block front. The other half, including the Ninety-first street corner, has been reserved for a relative of Mr. Carnegie.

Four years ago Fifth avenue in the nineties was regarded as hopelessly outside the fashionable district. The building of the Carnegie residence, however, brought about a change in popular opinion, and the new Mt. Sinai Hospital at 100th street is now generally spoken of as the northerly limit of the fashionable part of the avenue.

Not long ago Archer M. Huntington bought two new ready-built houses at 1083 and 1084 Fifth avenue, in the block below Mr. Carnegie, with the intention of combining them in one. It was said that they cost him $500,000. Perry Belmont owns four lots at the north corner of Ninty-second street.

After the Holidays, Sentence.

Graham C. Voorhis, the former superintendent of Post Office Station S, who has pleaded guilty of robbing the mails, was not sentenced yesterday, as it was expected he would be. Henry B. Ketcham, his attorney, asked Judge Thomas to postpone passing sentence until Jan. 3, so that Voorhis could spend the holidays with his family. The request was granted. Judge Thomas has received a large number of letters from citizens praying for clemency for the former superintendent.

Killed by Fall From a Chair.

Mrs. Annie Dougherty, 67 years old, a widow, of 496 Sterling place, Brooklyn, slipped off a chair in the kitchen yesterday morning. She fractured her spine and was instantly killed.

Loftus

Made-to-Measure

Clothes.

Closing our store at 150 Nassau St. has compelled a removal of the entire stock of cloths to our store at 1191 Broadway, between 28th and 29th Sts.

This taxes our room to such an extent that we have decided to offer many of our $20 and $25 fabrics at the price that we have made famous,

$15 to order for Suit or Overcoat.

On sale in our only store—1191 Broadway, between 28th and 29th Sts.

W. C. Loftus & Co.

Ermine Muffs, $35, $50, $75, $125. Imperial Stoles and Scarfs.

C. C. SHAYNE, Manufacturer, 41st and 42d Sts., near 6th Av.

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