CASE AGAINST DISBROW WEAK

LITTLE EVIDENCE TO CONNECT HIM WITH FOSTER'S DEATH.

Witness Says Disbrow Told Him That He Fought With Foster and Envied Him "Dimple" Lawrence's Love—Defence Intimates a Surprise for To-day.

RIVERHEAD, L. I., Jan. 14.—District Attorney Livingston Smith, who is prosecuting Louis A. Disbrow in the Supreme Court here for the murder of Clarence Foster, sprung a surprise this evening when, after securing the admission as evidence of a deposition made at the preliminary hearing, he announced that the prosecution had completed its case. Mr. Miles, for the defence, moved that Disbrow be adjudged not guilty on the ground that the prosecution had not proved the crime; that the corpus delicti had not been established and that the evidence produced had been insufficient. Justice Maddox denied the motion and the defence will be begun to-morrow morning.

The most conclusive evidence of the prosecution was the testimony of Miss Anna K. Pearsall. It became known earlier in the day that Anna K. Pearsall was out of the jurisdiction of the court and would not appear as a witness. A lively argument against the introduction of her deposition given at the preliminary hearing was made by Lawyer Miles, but he was overruled.

Late in the afternoon William H. Rafford an Under Sheriff of Suffolk county, testified that he served a subpœna on Miss Pearsall on Dec. 26 at Atlantic City, N. J. Then Judge Edward H. Foster, the Justice of the Peace at Southampton, before whom the preliminary hearing was held, said that Miss Pearsall testified before him and had signed her name to the deposition which he held.

A recess was taken until 7 o'clock, when Mr Smith offered the deposition as evidence. Lawyer Miles objected, on the ground that the prosecution did not use due diligence in seeking to serve the subpœna in this State.

"I claim," he said, "that my learned opponent, the District Attorney, did not use due diligence in the matter. Miss Pearsall was not a resident of this State. The District Attorney knew and should have subpœaed her while she was within the jurisdiction of the court. That would have been due diligence, and I do not wish to appear to criticise him unduly, but——"

"I don't care for your criticism, but you'd better not——" shouted District Attorney Smith, rising.

"Stop right there!" roared the Justice. "Mr. Smith, you have gone too far. There was no necessity for you to speak as you did. We have proceeded thus far in a decorous manner and I intend to enforce such conduct by every one during the trial."

Justice Maddox ruled that the preliminary hearing was a stage of the proceedings against Disbrow and that when Miss Pearsall testified both Disbrow and his counsel were in court and had opportunity for cross-examination. He therefore allowed the deposition as evidence. Miss Pearsall's testimony was summarized by the District Attorney in his opening yesterday.

Up to the time that the evidence of Miss Pearsall became an issue in the case it seemed as though the prosecution had made little headway. Mr. Smith's witnesses adduced small evidence that connected Disbrow with the case. They testified that on the day after Foster and "Dimples" Lawrence met their death Disbrow told them that Foster was in the Squiretown woods, he supposed.

Others said that Disbrow, after he had left Good Ground, stayed at places where District Attorney Smith said he did in his outline of his case yesterday. The letter which Disbrow wrote for Mrs. Lawrence telling of his devotion to her daughter was also introduced, as was some slight evidence that Disbrow was nervous after he left Good Ground.

John S. Lawrence, father of "Dimple," was one of the first witnesses to-day. His appearance on the stand was unexpected. Mr. Lawrence said that his family lived at Freeport before they went to Good Ground last summer, and that at the former place Disbrow called on his daughter about eight times. He said that he went to Good Ground last June.

Q. Did you meet Disbrow there? A. Yes, on the piazza of the Corwin House.

Q. What did you say to him? A. I told him I wished him not to call any more on my daughter, and he said he would respect my wishes. That occurred on the Friday preceding her death.

Mr. Lawrence said that his daughter was a good swimmer.

William Walton, who went from Good Ground to Quogue the day after the alleged murder, told of the places visited by him and Disbrow until Disbrow left him, saying that he was going to New York. He said that they went to Quogue in the train and then drove to Eastport and went to Tillie Tuttle's, where they spent the night.

"Disbrow climbed out of bed at about 3 in the morning," said Walton. "He got a drink and lit a pipe. Then he said to me: 'Billy, I'm heartbroken. Foster and Miss Lawrence have gone off together. We all went to the Hampton Pines Club together and then came back to Tunnell's. Foster loved the girl and she loved Foster, and they told me they were going away together.'"

Q. Did he tell of any trouble with Foster? A. Yes. He said they had words and that he grabbed Foster by the throat and threw him down, but that Foster was too much for him. He said that the fight happened on the wharf and that he returned to the house after it. In the morning, he said, Tunnell asked him what kind of a house he thought he (Tunnell) was running.

Q. Did Disbrow say anything about Foster and Miss Lawrence having a room together there? A. Yes, he said that he had a room and that Foster and "Dimple" had one.

On cross-examination Lawyer Miles wrung from Walton the admission that he had been in jail for theft. He also tried to get Walton to say that he was drunk during his trip with Disbrow, but could draw from him only an admission that he had drunk some malt.

Mr. Miles appeared to take much interest in testimony referring to whether or not Walton was sober, and asked that question of several other witnesses. He also asked Walton if it were true that he was so drunk at one time when he was with Disbrow that he slept in a chair in a drunken stupor.

Walton denied it, but the manner in which Mr. Miles asked the question strengthened the theory that an attempt to prove that Disbrow was drunk either immediately before or after the tragedy will be made.

On this point, as well as all others touching his defence, Lawyer Miles declines to say anything definite. He did say, however, that he has thirty witnesses and that he may spring some surprises. This may mean that Disbrow will be called in his own defence.

The afternoon session was almost entirely taken up with the testimony of physicians. Dr. John H. Benjamin of Riverhead said that he performed an autopsy on Foster's body nine days after death. He examined the heart, lungs and stomach, he said, and found only a slight congestion, with a small amount of water in the lungs. Dr. Benjamin said that except for the water in the lungs the condition of the body led to the belief that Foster was not drowned.

Dr. Benjamin was sure that bleeding from the ears could not have been caused by simple concussion.

Dr. Otto Schultz of New York, a former Coroner's physician, who qualified as an expert, said that he was unable to decide from the description of the condition of the organs given whether or not Foster was dead when his body went into the water.

Dr. Schultz said that he examined the skull of Foster and found no evidence of fracture. He said he found that the skull was only one-half the ordinary thickness and that a slight blow would have caused concussion.

Lawyer Miles illustrated the testimony of several of the physicians by means of a skull which some persons at first thought was Foster's.

Dr. Thomas H. Chattle of Good Ground, who examined the head of Foster soon after the body was taken from the water, said that the wound on the forehead was not a scratch, but a deep wound cutting nearly to the bone.

"I examined it closely and came to the conclusion that it was the cause of death," he said.

"You understood that your examination meant life or death?" asked Lawyer Miles.

"Not exactly that, I went there and examined the wound at the request of the dead boy's father, who was not satisfied with the Coroner's examination."

Mr. Miles then criticised Dr. Chattle very severely for not making a more careful examination and characterized his conduct as "unprofessional."

Dr. Henry P. Loomis, of the Cornell Medical College of New York, said he thought that death was not caused by drowning. Dr. Ferdinand M. Jefferies of New York, agreed with him. These physicians testified as experts.

They were asked their opinion of the cause of the bleeding at the ears, to which several witnesses testified yesterday. They agreed that a fracture at the base of the skull would cause such a flow, but physicians who examined the body said that there was no such fracture.

Mr. Miles and Mr. Smith also questioned the physicians as to the actions of a drunken man when thrown suddenly into cold water and were told that it would revive a man who was not very much intoxicated, but that if he were in a state of alcoholic coma he would sink.

Toward the end of the afternoon session William J. Kinsley of New York, a handwriting expert, said that in his opinion a telegram alleged to have been filed by Disbrow to be sent to Mrs. Foster and a letter said to have been written by him to her were written by the same hand.

Mr. Miles objected to having the letter admitted, but Mr. Smith said that it showed Disbrow's affection for "Dimple" Lawrence. It was admitted. It read as follows:

PINE GROVE HOUSE.
J. E. TUNNELL.
EAST QUOGUE, L. I., May 30, 1902.

MY DEAR MR. LAWRENCE:

As I sit down to write you I tell you candidly that I do not know what I am going to say. Only once, now, I beg of you to see me. Grant me just a few minutes. That is not asking too much.

I understand very well how you feel regarding my being here—you do not like it and wish me to leave, and at any rate do not wish me to hold any communication with your family. But please listen. I presume probably you have heard something about me since my arrival, but with all that I will not believe but what you are too noble to condemn any one without a hearing. And that is all that I ask.

This is the early part of the season now no one here. I am down seeking a little rest after my accidents. I will stay here one week. Why did I come here? Because I knew if I went elsewhere I would seek a good time and have no rest, and I wanted to get near the influence—which has never done me but good—yours and your daughters'. Am I to be blamed? And can I enjoy myself in your daughters' company when I am not at peace with you? No, I cannot!

I must write you plainly the regard, you know it is deeper than regard, but call it that, that I have for "Dimple." Let me tell you, her mother, it is of the deepest, noblest, truest kind it is possible for a man to give woman. As my God judges me now, if that is not so. As for her, she is indiscreet, I admit, but a better, truer, nobler little woman never lived, nor never will. She has your instincts over and over.

I like you, Mrs. Lawrence, as my mother, just as deep and true, and I beg of you don't drive me away now to try and forget my sorrow and drown it as I will. I came down here at peace with all for a quiet, happy week. Join me. Let me have it. There is no harm. Then I will return to New York and work and on my word and honor will not visit here again this summer.

I will be down here in the morning again at 10:30—not to see "Dimple," but you. I must see you—look you in the eyes and ask you to believe me still a gentleman and a man of honor. I beg of you, pray of you, to not refuse me. It means so much to me. Please, please, grant this to one who is now miserable, unhappy and heartbroken over this.

You are kind, generous and true, do this for me and I ask God that your friendship is strong enough to believe in me. Forget the past. Let us be happy. We can and will have such a jolly time, all of us.

Think this over and I pray you make me happy in the morning by seeing me. I am hope still, truly yours, LOUIS.

(Ask yourself can a man who has done wrong write a letter like this. No.)

There was a marked change in Disbrow's actions at the trial to-day. Before he has sat still, scarcely moving his eyes from a point on the ceiling. To-day, however, he whispered to his counsel when there was a moment's rest in the proceedings, smiled several times at testimony, and grinned during the reading of the letter which he is said to have written to Mrs. Lawrence.

DINNER OF ALBANIANS.

Mayor Tells 'Em Civic Pride Is as Common in New Yorkers as Aluminum in Clay.

At the Albany Society's eighth annual dinner at Delmonico's last night more than 300 men sat at table. William H. McElroy of Rochester was the toastmaster. Among the guests were: Bishop Doane, Mayor Charles H. Gaus of Albany and Mayor Seth Low of New York, Major-Gen. Chaffee, Charles Emory Smith, Supreme Court Justices D. Cady Herrick and E. E. McCall, Gen. Amasa J. Parker, First Deputy Attorney-General Coman, Martin W. Littleton, Dr. Albert Van der Veer, Louis Stern, John A. McCall, George H. Daniels, Will H. Low and eight members of the Albany Burgess Corps in uniform, besides forty other burgesses who were not in uniform. The musicians came from Albany and played for the first time in public, "The Burgess March," composed by Dr. Gerrit Smith.

Toastmaster McElroy defined an Albany born person as "the ultimate huckleberry that hangs above the ideal persimmon raised to the nth degree."

Mayor Low said that Albanians seemed perfectly at home living on the fat things of New York.

He called attention to the fact that the assessment on his own house has been doubled and remarked that this was in line with the fusion administration's promise during the campaign, not to work for their own pockets all the time. The Mayor also declared that civic patriotism is as common in New Yorkers as aluminum is in clay banks and about as hard to bring out.

Bishop Doane said that a grave danger of to-day is the habit of shirking individual responsibility of citizenship by shifting it to the shoulders of the men who make the laws or enforce them. "If we are to lift our cities to the level of civic righteousness," he said, "it must be done by the recognition of individual responsibility, and not by criticisms often unjust."

Charles Emory Smith spoke of Albany's history as he remembers it, and then talked about the Monroe Doctrine, which, he said, has within a few days been reaffirmed with renewed emphasis, and advocated getting into closer commercial relations with South America.

In closing, Mr. Smith paid a tribute to Gen. Chaffee which brought the diners to their feet, cheering and waving napkins. The orchestra played "The Star-Spangled Banner" and Gen. Chaffee's health was drunk.

Other speakers were George H. Daniels and Mayor Gaus.

The Weather.

The area of high pressure was still central over the Southern States yesterday, extending west and northwest over the Rocky Mountain districts to the North Pacific Coast. This caused a general rise of temperature in all parts of the country; in all the Central States and Northwest there was a rise of from 10 to 24 degrees. The lowest reported was 6 degrees below zero at Northfield, Vt.

The pressure was low and falling to the north of the Dakotas and over the South Pacific Coast.

There was a light fall of snow around Lake Erie and Ontario and cloudiness south of the Lake regions and along the Middle Atlantic coast; in most other districts the weather was fair. In this city the day was fair and warmer; winds generally brisk westerly; average humidity, 63 per cent. barometer, corrected to read to sea level, at 8 A. M., 30.55; 3. P. M., 30.27.

The temperature yesterday, as recorded by the official thermometer, and also by THE SUN'S thermometer at the street level, is shown in the annexed table:

	—Official—		Sun's		—Official—		Sun's
	1903.	1902.	1903.		1903.	1902.	1903.
9 A. M.	16°	18°	18°	6 P. M.	25°	29°	30°
12 M.	20°	24°	22°	9 P. M.	26°	31°	29°
3 P. M.	24°	28	27	12 Mid.	26°	30°	28°

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW

For eastern New York, snow or rain to-day; fair to-morrow; brisk southwest winds, increasing on the coast.

PISTOLS AND BEER FOR TWO.

TOO MANY ROSES IN ONE GIRL'S HAIR CAUSED DUEL.

Derlinger and Wagner Fought for Spheres of Influence on the Lady's Head—Life Saved by Tin Sign in Seat of Lover's Trousers—Running Away From Death.

"Your Honor, this was simply a case of a German duel," said Policeman Siegel when he arraigned Joe Derlinger and George Wagner before Magistrate O'Reilly yesterday in the Ewen street police court in Williamsburg. "So far as I could learn the men fought with pistols and the one who was shot was only slightly injured. They had been drinking beer in their apartments in the rear of 220 Montrose avenue. They had a young woman with them and each was jealous of the other. That was what started the row."

"Ve shooted together," remarked Derlinger, "und I got shot."

"Where were you shot?" inquired Magistrate O'Reilly.

"In der house vhere ve board mit each other" explained Derlinger.

"I don't mean that," continued the magistrate. "I mean, in what place were you shot?"

"On der side of der room," answered Derlinger.

"It vere in der centre," chimed in Wagner.

"No, it was near the door," added the cop.

"Where was this man shot?" again asked the Magistrate. "I mean in what part of his body?"

"Oh," said the cop "he was shot just below the——"

"It ain't not," interrupted Derlinger. "It vere——"

"Stop!" commanded the Magistrate. "We'll let that go for the present. Now, officer, tell me what you know about this case."

"Well," said the cop "I ran in through the hall and met a boy who told me that these gentlemen were both in love with the same girl and that Wagner pinned a white rose in the girl's hair. Derlinger did not like this and told Wagner that he had as much interest in the girl as his friend."

"I said when I like I can pin three roses in her hair," explained Derlinger.

"After that," continued the cop, "Derlinger pinned a rose in the lady's topknot and removed the rose that Wagner had placed there."

"Yudge, he made it on der floor," said Wagner.

"He threw it on the floor," explained the cop, "and Wagner ordered him to pick it up and put it back. Derlinger replied that he wouldn't."

"I said 'You can:t scare a fly,: explained Derlinger.

"Und I said 'You ain't der Oonited States,'" added Wagner. "Den he said somet'ing und I said someting und ve looked like ve fight und der young lady run der house oudt. Den ve vere both insultened und ve commenced."

"Den he vanted to duel me," added Derlinger.

"He vanted to duel me first," corrected Wagner.

"At any rate," said the cop, "they were both so drunk that they scarcely know what happened after that. But they decided to fight a duel."

"What with?" asked Magistrate O'Reilly. "Frankfurters or pretzels?"

"They started in with pretzels and beer," explained the policeman, "but they drew pistols when the duel talk commenced and then shots were fired. When I got to the house Derlinger ran up to me and shouted: 'Arrest him! He will be electrocuted for it!' I will ante-morton it to the Coroner!' I didn't see any blood so I took both to the police station. Wagner had two revolvers in his hand. He said he had taken one away from Derlinger."

"I said ve duelled it together," said Derlinger, "und vhen I got shooted, Vagner took der revolver away from me und didn't give me a show to shoot him."

"At the station I discovered that Derlinger had a slight flesh wound," continued the cop.

"I got arrested und shot, too," said Derlinger. "Ain't dot enough for one night? Vhat?"

"Where were you shot?" asked Magistrate O'Reilly.

"Pooty near his rib," explained Wagner.

"No," corrected Derlinger, "he shooted me behind my back."

"It was this way, your Honor," continued the policeman. "Derlinger must have turned to run after the duel started. He had a job to paint a metal sign for a man and it had been his custom to carry such signs beneath his coat. When the young lady called to see them he had one of these metal signs and shoved it back behind his suspenders. In fact it was in the seat of his trousers."

"Dot's which saved my life," said Derlinger.

"Ve vere clutching together vhen der pistol gone off," explained Wagner.

"It was just a German duel," the policeman added. "The principal harm done was to Derlinger's trousers."

"Well," said the Magistrate, "I'll sentence him to jail for five days. He must have tried to run away. Wagner, I'll hold you for further examination on Monday next. You're lucky you didn't blow this man's brains out."

Devery Mandamus Hearing Postponed.

The hearing in the Devery mandamus proceedings, which was to have taken place yesterday before Supreme Court Justice Gaynor in Brooklyn, has been indefinitely postponed.

Benson—McClellan.

Miss Ellen Humphreys McClellan, eldest daughter of Mr. and Mrs. Henry Baker McClellan of Bayonne, N. J., was married last evening in Trinity Church, Bergen Point, at 8 o'clock, to Edwin Parke Benson, the youngest son of Mr. and Mrs. Benjamin Davis Benson of Brooklyn. The rector, the Rev. Frederick Kirkus, performed the ceremony. The bride, who was led to the altar and given away by her father, was attended by her sister, Miss Josephine Alice McClellan, as maid of honor. Miss Louise Mulford of Bayonne and Miss Josephine Latta, a cousin of the bride, of Greensburg, Pa., were the bridesmaids.

The best man was Frederick Leighton Harris of Brooklyn, and the ushers were Frederick O. Benson of Brattleboro, Vt.; R. Duane Humphreys of New York, R. A. Barker, Clarence Dunning, Curtis G. Metzler of Boston and Eads Johnson of New Orleans. Miss Barnaby, organist of Trinity Church, played the wedding music.

Stein—Bonner.

Miss Mabel Bonner and the Rev. Alexis Stein were married yesterday afternoon in St. George's Church, in Stuyvesant Square. The bridegroom, a former curate at St. George's, now has a parish at Lake Placid in the North Woods.

The Rev. Dr. W. S. Rainsford, the rector, performed the ceremony, and the bride was given away by her father, George T. Bonner. She wore white satin, with tulle lace and orange blossoms.

After the ceremony Mr. and Mrs. George T. Bonner of 115 East Twenty-first street gave a small reception.

Langley—Harris.

Miss Cornelia Brady Harris and Leland H. Langley were married yesterday at the home of the bride's mother, Mrs. John R. Harris, 14 East Fortieth street. The Rev. Dr. Parker Morgan officiated. Raymond Langley was best man, and William Astor Chanler and Cecil Landale were ushers. Miss Katherine P. Newbold was the maid of honor and Miss Ella de Peyster and Miss Katherine McClure were bridesmaids. After the ceremony an elaborate breakfast was served.

McDonnell—O'Brien.

Miss Angela L. O'Brien and Robert Emmet McDonnell were married yesterday morning in the Church of the Blessed Sacrament in West Seventy-first street.

Afterward an elaborate bridal breakfast was served at 36 West Seventieth street, the home of the bride's mother, Mrs. Lawrence O'Brien.

EXPECTS NO EASY TASK HERE.

Baron Speck von Sternberg Discusses His Mission to Washington.

Special Cable Despatch to THE SUN.

BERLIN, Jan. 14.—The *Leipziger Tageblatt* publishes an interview with Baron Speck von Sternberg, who has been appointed to represent Germany at Washington in place of Dr. von Holleben. He spoke respectfully of the American press, but said that the chief desideratum was that the newspapers should be correctly informed. The reports that he and Dr. von Holleben had long been rivals, and that the latter's friends won the dispute by having him (Baron Speck von Sternberg) appointed German Consul at Calcutta, were inventions. Dr. von Holleben had nothing whatever to do with the affair.

The Baron compared President Roosevelt's working power with that of Emperor William. The Monroe Doctrine, he said, is unwritten law for the Americans, and President Roosevelt regards it as a guarantee of peace. The Venezuelan matter was doubtless regarded as a test case. In conclusion, Baron Speck von Sternberg paid a high compliment to the straightforwardness of American statesmen.

The Baron said that the Venezuelan business will not present any difficulties for Germany or himself if personages concerned are men of President Roosevelt's type. He added:

"I like the idea of going to Washington, although the task of the German representative there is not a bed of roses, considering the popular dislike of Anglo-German coöperation."

GLENN IN HIS OWN DEFENCE.

Says Gen. Chaffee Didn't Want Reports on the Situation in Samar.

Special Cable Despatch to THE SUN.

MANILA, Jan. 14.—The court-martial trial of Major Glenn of the Fifth Infantry on charges of cruelty to natives was resumed to-day. Major Glenn took the stand in his own defence and frankly recited his experiences in and opinions of the Samar campaign. He repeated his previous statement that Gen. Chaffee said to him: "I want you to go to Samar to help Gen. Jacob Smith. I do not know the conditions in Samar. Smith makes no report to me. I do not want him to make any."

Counsel for the defence then read Gen. Smith's famous dragnet, drastic circular to the Sixth Brigade which was published in Gen. Chaffee's report. This evidence greatly impressed the court.

RUSSIA'S SCHEME IN CHINA.

Much Opposition to Allowing Her to Collect Customs at Dalny.

Special Cable Despatch to THE SUN.

PEKIN, Jan. 14.—In spite of the refusal of China to authorize the plan, Russia is carrying out her threat to collect customs at Dalny, and purposes to extend the system throughout the territory in which her railroads run. The refusal of the imperial authorities to assist Russia in her plan and her inability to obtain the help of the men employed by Sir Robert Hart, director of the Imperial Maritime Customs, are proving a handicap to the Russians.

It is expected that Great Britain and Japan will not recognize the customs established by the Russians, and China's nonauthorization will justify the Powers in refusing to pay the duties imposed.

TAFT SAYS BE NEUTRAL.

Doesn't Want Provincial Governors to Take Sides in Filipino Church Row.

Special Cable Despatch to THE SUN.

MANILA, Jan. 14.—Gov. Taft issued a message to the provincial governors today in which he clearly outlined their duties and announced the position of the Government in regard to the independent Catholics and Roman Catholics. The Governor enjoined these officials to maintain a neutral attitude.

Gov. Taft, with the Filipino members of the commission, started to-day for a week's tour of inspection of the provinces of Laguna, Cavité and Batangas. The natives are preparing to give the Governor a magnificent reception to celebrate his decision not to accept a Supreme Court Judgeship, but to remain here for some time.

CHURCH LANDS IN PORTO RICO.

Bishop Coming to Press Claims Before the Senate Committee.

Special Cable Despatch to THE SUN.

SAN JUAN, P. R., Jan. 14.—Bishop Blenk, the head of the Roman Catholic diocese of Porto Rico, will sail for New York in a day or two and will go to Washington to press the settlement of the Church-property question, which the Senate Committee on Insular Affairs has been considering since last June. The various municipalities claim the lands in dispute. The Catholic Church contends that Spain granted them the property.

The treaty of Paris makes the United States the sole judge of the question.

DE CASTELLANE'S CONTEST

Vigorously Opposed by M. Siegfried for Seat in French Chamber.

Special Cable Despatch to THE SUN.

PARIS, Jan. 14.—M. André Siegfried, who is contesting the Basses Alpes district with Count Boni de Castellane, is making desperate efforts to defeat the latter. He is threatening postmen and small officeholders with dismissal if they do not attend his meetings.

This is the district which elected Count Boni de Castellane at the last election. The election was invalidated by the Chamber of Deputies, however, because of alleged bribery of voters.

Clement Scott Stricken.

Special Cable Despatch to THE SUN.

LONDON, Jan. 14.—Clement Scott, the dramatic critic, is seriously ill of paralysis.

W. H. RIKER NOT INSANE.

Magistrate Refuses Divorced Wife's Application to Have Him Examined.

Magistrate Mayo, in the West Side police court, yesterday refused to grant the application of Mrs. Lilly B. Ryan of 211 West 108th street to have her divorced husband, William H. Riker, sent to Bellevue Hospital for an examination as to his sanity. Riker is the son of William B. Riker and was at one time associated with him in the drug business. The evidence against Riker consisted of a number of letters written in part in red ink, and these, the Magistrate decided, were not sufficient proof of insanity.

Riker's lawyer, George W. Schoonmaker, told Magistrate Mayo that the attempt to have Riker declared insane was being made in order to defeat a suit which Riker has brought to recover $5,000 from the American Stove Machine Company of 256 Broadway.

DAY LINE GETS THE MARY POWELL

Will Not Be Merged With the People's Line Steamers.

The Hudson River Day Line has acquired a controlling interest in the Mary Powell Steamboat Company, and the Mary Powell next season will be run as a day boat in conjunction with the New York and the Albany. Recent reports have had it that there would be a merger of the Day Line and the People's Line, which controls the night traffic, but President Olcott of the Day Line said yesterday that the Hudson company will combine to handle its business as a close corporation, although indirect advances have been made with a view to the absorption of the lines.

LINER ST. LOUIS NOT SIGHTED

SOME OF HER BOILERS SUPPOSED TO BE OUT OF USE.

List of Her Passengers Arrives by the Vaderland—Many Inquiries at the Office by Friends of the Passengers—She Carries 275—75 in the First Cabin.

The American Line steamship St. Louis, which was due here from Southampton on Monday, has not been sighted. Shipping men in general share the opinion held by officials of the American Line that in all probability no serious accident has happened to the liner, but that the chances are that some of her leaky boilers have broken down. She has no wireless telegraph apparatus and no steamer has reported her. The Bovic, which left Liverpool two days ahead of her, got here yesterday without having seen her. The Bovic is ordinarily much the slower boat.

The St. Louis carries 275 passengers in all. Of this number 75 are first cabin, 70 second cabin and 130 steerage. The passenger lists of the St. Louis as they were made up at Southampton on Jan. 3, when she was scheduled to sail, were received here yesterday on the Red Star Line steamship Vaderland, which left Antwerp on Jan. 3. These lists give the names of 72 first cabin passengers and 66 second cabin as follows:

FIRST CABIN.

Mrs. Robert Abel and maid, W. P. Arnelt, Mrs. Arnelt, Victor S. Allien, Albert G. Bayer, Fritz Bergmoien, Louis B. Brenel, C. W. Bonynge, L. Bouquart, Mrs. Katherine Bradford, W. H. F. Browne, Miss Alice B. Chandler, Neville D. Cohen, T. J. Colton, H. S. Cramer, Rev. Arthur Crane, William J. Cunningham, Walton E. Dawlen, Mrs. Dawlen, A. H. Field, R. Barrett Fithian, Mrs. Fosses, S. W. Gerg, A. Goldberg, John Adrian Hesse, Mr. Hillman, Mrs. Hilton and infant, Mr. Jacobson, Mr. Kahn, Arthur F. Kirby, George Kolb, Fred Kolb, Herbert Langford, Mrs. Langford, Miss Dorothy Langford, H. Lansdell, Fred M. Leonard, A. P. Lloyd, Mlle. Louise Mabilet, J. Magee, J. Manning, E. G. Merrs, Frank A. Messenger, Mrs. Messenger, José de Alemarry y Mia, Mr. Montgomery, Ralph Nichols, Mrs. Nichols, Mr. Candea Obidos, Elie Oppenheim, Mrs. J. M. Orkin, Major C. Cunliffe Owen, R. F. A., Mrs. Cunliffe Owen, Robert A. Palmer, George N. Pyne, Helen A. Ranlett, Charles Harold Romaine, B. Sinauer, Emil Steinhartor, Mrs. Steinhartor and infant, Miss Emma Steinhartor, Mr. Totney, Miss Upland, Mrs. Blanche Ulman, Miss Lucile J. Ulman, M. Vinekerg, Mrs. Vinekerg, S. C. Wrcelman, Ed. N. Wolf, Lucien M. Zell.

SECOND CABIN.

J. B. Adams, Miss Anne Abrahamer, R. Bleyer, Benjamin B. Batty, H. J. Brain, Mrs. Brain, William Bowtell, Max Bain, Miss G. Backman, G. C. Challen, Miss Kate Crennell, Harry Cohen, Samuel H. Chelew, D. L. Cardno, D. L. Caramo, Edwin Chart, George Chart, William Dallin, Miss Janet E. Dobbert, Master P. Doman, Master Harold Doman, Dr. E. J. Fernandez, Mrs. Fernandez, F. M. Farnley, Gordon Graham, Rev. H. Gumishian, D. L. Gillig, Max Gold, Henry Hacker, Mr. Harris, Anton Jacobsen, Kristian Jacobsen, Theodor Jacobsen, Meyer Kremen, H. Millard, Mrs. A. L. Matlen and infant, Mrs. Florence Mabbett, John A. Macauley, John Macauley, Master Ed. L. Macauley, Samuel Henry Martin, Aron Muscovitz, Miss Laura A. Nicholls, George Osbourn, Mrs. Osbourn, John Opie, Joseph M. Pergelly, Henry Preston, Mrs. Preston, Emil Petersen, Miss Mary Petersen, Carl Ch. Petersen, Hans Ch. Petersen, Mrs. Jane Rosenberg, Alexander Rowe, Edwin Richards, Tom Stephens, Ernest Sonderegger, Archibald Squires, David Sann, Sydney G. Simpson, Richard Trevena, James H. Williams, James H. Wallis, Mrs. Mary Williams.

The officers of the St. Louis are F. M. Passow, captain; Thomas Kinsey, purser; R. Lloyd Parker, surgeon, and G. W. Campbell, chief steward.

Of the first-cabin passengers Mrs. Abbé is the wife of Dr. Robert Abbé of 11 West Fiftieth street, who is professor of surgery at the Post-Graduate Medical School. She went abroad on Oct. 7. C. W. Bonynge is a member of the law firm of Black, Olcott, Gruber & Bonynge. It is thought that the Mr. Lansdell on the list is the Rev. Henry Lansdell, chaplain of Morden College, Blackheath, a well-known British writer, lecturer and missionary.

The passenger clerks at the American Line offices were kept busy yesterday reassuring friends and relatives of passengers on the St. Louis. The reply made to all who inquired as to the reason for the liner's tardiness was that in all probability her boilers had caused some trouble and some of them had been cut out, thus reducing the speed of the boat. The assertion was made without the least contradiction that the St. Louis was an excellent sea boat and that she would be able to keep her head up in almost any trouble and to reach port safely if she hadn't a boiler working. She has seventeen water-tight compartments, separated by transverse bulkheads, extending from the keel to the saloon deck, and is as nearly unsinkable as any liner. She was turned out of the Cramp yard at Philadelphia seven years ago.

VON LENGERKE INSANE.

German Lieutenant Who Killed Himself Had Been Ill in Venezuela.

Special Cable Despatch to THE SUN.

BERLIN, Jan. 14.—The naval friends of First Lieut. von Lengerke of the German cruiser Vineta, who committed suicide on the steamer Hispania while returning to Germany, believe that he was menatlly deranged.

Lieut. von Lengerke had been doing blockading duty in Venezuelan waters, and was seriously ill while there. It is thought that his mental derangement resulted from his illness.

Tour for German Crown Prince.

Special Cable Despatch to THE SUN.

BERLIN, Jan. 14.—It is stated by Potsdam newspapers that the Crown Prince Frederick William will make a tour of the Orient in March, after leaving the University at Bonn and before he enters the military service as an officer of the Imperial Foot Guards. The tour will include Constantinople and Jerusalem.

Chinese Labor for the Transvaal.

Special Cable Despatch to THE SUN.

JOHANNESBURG, Jan. 14.—The mine managers who have been holding conferences on the question of the scarcity of labor have decided that all the labor required cannot be obtained in South Africa and it is impossible to use white labor. They, therefore, think that the only alternative is to have Chinese laborers admitted.

G. H. Mumm & Co.
Extra Dry
CHAMPAGNE
Importations for Five Years
TO JANUARY 1, 1903.
3,570,648 BOTTLES
297,554 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.

DEVERY INVITES MURPHY OVER

COME INTO THE NINTH AND FIGHT ME, SAYS HE.

I'm Here for 1903 and 1904, Too—I Think We Ought to Start a People's Party—High Tariff and No Monopolies—But All of You Vote for Dooling.

Devery called his general committee together last night and announced that he meant to to be the executive committeeman for the Ninth for 1904 as well as 1903, and he wanted Leader Murphy to come into the Ninth and fight it out if he wants to.

The general committee met at its room in Eighth avenue near Twenty-third street to organize. Of course there could be no meeting without a speech from Big Bill. At the outset he explained why he had intended to support William H. Gledhill for the nomination for Senator at the convention last Monday night.

"Gledhill came to see me," said Devery, "and said that his leader, Bill Dalton, had sent him over to see if I would support him. After a little talk I agreed to do it. Then Gledhill and Dalton went over to see Charley Murphy. Murphy insisted that Gledhill wouldn't have it, that it must go to Dooling. Dalton and Gledhill didn't tell me about the change in plan, so I went to the convention to vote for Gledhill and found he was against himself. Just the same, I want you to support Dooling just to show those fellows over in Fourteenth street what good Democrats we are.

"I'm in politics to stay. I invite Mr. Murphy to come over here and make a fight. I'll give him due notice now that I'm going to be the executive committeeman for 1904 too, and if he doesn't think so I'll be glad to show him at his expense. I beat John Sheehan and Frank Goodwin both last primaries, and I can turn the trick against Murphy with all his basement plays and underhand methods.

"I paid $14 for a ton of coal to-day. I've paid over $200 this winter for coal. Of course, I can afford it, but how about the poor people who haven't got the money? I tell you it's a mistake to take the tariff off coal. It's a blow at 200,000 poor miners in Pennsylvania. We've got plenty of coal in this country. Let the President and Congress see that we get it. We need a high protective tariff in this country, just as high as we can have it. I think we ought to start a people's party right here in New York, and it would smash Tammany Hall so hard that they'd never find Murphy in the ruins. Our platform ought to be a high protective tariff and down with the trusts and monopolies.

"They haven't got a thing against me over there [Fourteenth street]. I'll offer a reward—make it a leather medal, for those fellows would make a grab at any money if they saw it in the collection box in church—if they can show a single thing against me or a single fair reason why I shouldn't have my seat."

PAID TO INJURE WORKERS.

Strike Picket Said He Was to Get $25 for Maiming Non-Union Men.

CHICAGO, Jan. 14.—How union pickets received a bounty of $25 for every non-union man who was so badly beaten he could not work was told in court here to-day by Albert Fridley, a witness for the State in the case of the members of the Brass Moulders' Union now on trial for conspiracy.

The witness declared also that he volunteered to shoot through the windows at non-union men at work in the Western Electric and Stromberg Carlson plants, where the brass moulders were on strike. He swore, too, that he offered to dynamite the Western Electric plant. One man, however, he said, prevented his offer being accepted. Fridley testified that he was employed as a picket during the strike at the two plants.

"After I joined the union under the pressure of J. E. Johnson, the business agent," said Fridley, "I was put out as a picket, with the promise of strike pay, which is $4 for the first week, $6 for the second and $9 for the third. I kept track of all of the non-union men and pointed them out to Johnson and other members of the executive committee. These men were attacked openly and I had a hand in it. We carried revolvers and billies and used them whenever we had a chance.

"Where a man was so severely injured as to force his absence from work, we were supposed to receive $25, but we didn't always get it. I helped to assault three men, and Johnson paid us $25, claiming that the men were not severely enough punished.

"I offered to put dynamite in the Western Electric shops and volunteered to shoot through the windows at the non-union men, but Andrew Anderson, one of the executive committee, backed out on the proposition."

First Statue of Shakespeare in Germany.

Special Cable Despatch to THE SUN.

BERLIN, Jan. 14.—The marble statue of Shakespeare by the sculptor Otto Lessing will be unveiled at Weimar in June. It is believed that this will be the first statue erected to the Bard of Avon in Germany.

Kennedy 13 Cortlandt St.
Men's Hats—January Sale.
Derbys worth 3.00 at 1.39
Derbys " 4.00 " 2.25

All are perfect and on the newest blocks.
Opera Hats....4.80
Silk Hats.....3.90
Men's Furnishings.
Underwear at 1/2

Bought from the Fire Underwriters
We quote just three items:
Natural Wool.....39c., worth 75c.
Camel's Hair.....59c., " 1.25
Australian Wool.....79c., " 1.50
Dress Shirts (laundered), 44c.
A big lot bought at half and sold at half.
Men's