GAFFNEY AND MURPHY PROTEST

AGAINST JEROME'S TALKS ABOUT DOCK GRAFT.

Counsel Ask for Dismissal of Misdemeanor Charges for Lack of Evidence—Decision Reserved—Elizabeth I. Gaffney, the Alderman's Wife, Subpœnaed.

A protest against the conduct of the District Attorney was the first act of counsel for Alderman James E. Gaffney and ex-Councilman John J. Murphy, brother of Leader Murphy of Tammany, when the defendants were arraigned before Justice Mayer in Special Sessions at 4 o'clock yesterday afternoon on the charge of violating Section 1533 of the Charter, which prohibits member of the Municipal Assembly from having a direct or indirect interest in city contracts. Attorney Deering passed up to the Court a paper in which he alleged that the course pursued by the District Attorney before and after the issuing of the warrant had been to the prejudice of the defendants with the public and the courts, and tended to obstruct the orderly and impartial administration of the law. The District Attorney and his assistant, the protest said, had furnished to the press a variety of charges of criminal misconduct. Further the protest said:

The defendants, while they may not, and do not, ask any indulgence because they have been singled out from the numerous public officers who are now, or have been, trustees, directors or stockholders of the many corporations, business, financial, railroad or otherwise, having contracts or leases from the city to plead to the charge of a misdemeanor in having a direct or indirect interest therein because stockholders, officers or directors of an insignificant company, although they as city officers took no part in its making, nevertheless believe that for this reason they should be protected by this court, so far as it has the power to protect them, from the apparently studied, unusual and persistent efforts of the public prosecutor to prejudice not only the judgment of the court, but also of any jury which may hereafter be called upon to try the specific offence now charged, or any other which the misguided energy or the official power of the public prosecutor may prompt him to bring against them.

If the defendants believed that their simple protest now made and entered of record would be sufficient to bring the District Attorney to a realization, and to the practice hereafter, of the ordinary and accepted rules of official or professional conduct in the prosecution of the charge against them, they would not deem it necessary for them to appeal as they do now to the power of this court in its control of the conduct of attorneys before it to secure a fair and orderly procedure. Persistence in tactics which the Supreme Court has so recently condemned as reprehensible leads to the conclusion that the mere filing of a protest would be of no avail. The defendants therefore ask this court, in the exercise of its statutory and inherent power, to control the conduct of attorneys practicing before it, and before proceeding further under the warrant in this action to take cognizance of the acts and practice complained of, and to enforce an observance by the District Attorney and his assistant, Mr. Clarke, of those established rules of fair and just procedure which have been deemed essential from time immemorial to secure to every citizen equal protection and justice.

Justice Mayer said that the warrants had been served and that he was not in a position to caution the District Attorney. He remarked that in the Aqueduct inquiry he had felt called upon to instruct one of Mr. Jerome's young men not to talk too freely to the newspapers.

Mr. Clarke said he had made no assertion that was not open to proof from the public records, and after a little wrangle the attorneys dropped that dispute, and the attorneys for Messrs. Murphy and Gaffney opened the argument for the dismissal of the charges on the ground that the evidence was insufficient. The specific accusation against the defendants is that while Gaffney was an Alderman and Murphy a Councilman they were interested in the New York Contracting and Trucking Company, which got a pier lease from the Dock Board.

It was past Justice Mayer's time for dinner when the lawyers got through. He instructed them to hand in briefs on Saturday, and said he would at that time announce when he would be prepared to decide the question.

Earlier in the day the District Attorney heard some witnesses in the Dock Board inquiry, including a contractor, name not made public, who told the District Attorney that while he was trying to get dock leases a prominent politician called on him and it was arranged that he should have certain privileges if he put five friends of the politician on his payroll for $1,000 a year each. They were not to do any work. Negotiations fell through.

The subpœna issued for Elizabeth I. Gaffney, wife of Alderman Gaffney, was returned with the information that she was out of the city for the summer. E. I. Gaffney is given as the name of the secretary of the New York Contracting and Trucking Company.

Mrs. William H. Burke, wife of the former secretary of the Dock Board, testified that she had $7,500 invested in the bathhouses at the foot of West 149th street. The Murphy Dock Board issued the lease for ten years at $300 a year. She said that Joseph Egan, who has some dock leases, was a bookkeeper for her husband at $15 a week. The examination of Secretary Burke did not bring out anything new.

GIVES UP MORE PLUNDER.

Chappaqua Burglar Says He Stole to Keep Wife and Children.

WHITE PLAINS, N. Y., July 8.—John Webber, whom the police call the "Christian Burglar of Chappaqua," because in the daytime he posed as a retired "Christian gentleman" and leader of a mission in New York and at night robbed the homes of neighbors as well as a score of summer homes along the Harlem Railroad, told the detectives to-day they could find more plunder in his home. They found a costly organ and some silver plate hidden away.

The organ had been stolen in broad daylight from the Fresh Air Home of Miss Nelson at Pleasantville. The silverware was hidden in a chimney, in secret closets and in holes in the wall. In all, about $500 worth of plunder, in addition to that recovered on Tuesday, was found.

The police believe that Webber had a band in the robbery of the country home of William E. Iselin, in New Rochelle, from which $2,000 worth of plate and yachting trophies was taken. Webber denies that he had anything to do with this burglary, however.

When Webber brought the stolen organ home he told his wife that he had won it in a raffle. In addition to the silver plate found to-day, a big Colt's revolver and knives, forks, spoons and Government insignia, which had evidently been cut from the uniforms of navy and army officers, dress goods and linens, were packed in dress-suit cases and satchels.

Webber, who jumped from a Harlem express train while being taken to White Plains jail, is in a serious condition, and it is feared that he may not recover. Warden Stafford is keeping a close watch over him, as it is thought that he may attempt to end his life in jail.

"I am the son of a rich Kenturky merchant," said Webber to-day. "My father is dead. I left Kentucky fifteen years ago. I lived a Christian life until recently. Before I became a burglar I joined the Salvation Army, but one day I lost $500 while taking my wife and two little children to Chappaqua. I borrowed money and played the races. I lost everything and kept on borrowing until I got in debt so deeply that I couldn't get out. Rather than see my wife and two babies starve, I determined to become a burglar. I did it simply for their sake. I would have starved myself, but I couldn't bear to see my family in want."

Gov. Odell's Vacation.

ALBANY, July 8.—Major Harrison K. Bird, military secretary to Gov. Odell, to-day filed with the Secretary of State a certificate of Gov. Odell's absence from the State. The period of the Governor's absence is stated as from July 4 until about Aug. 8. The Governor is on his vacation jaunt to the Yellowstone Park.

CONTROL OF CORPORATIONS.

Minnesota Bankers Protest Against Overcapitalization.

ST. PAUL, Minn., July 8.—Many speakers before the State Bankers' Association to-day declared that the over capitalization of corporations is likely to cause a panic, and after considerable discussion the association adopted the following resolutions:

Whereas it is a well-known fact that many corporations are issuing stocks and bonds far in excess of the value and cost of the property which they represent, and

Whereas such corporations, in order to pay dividends on such overissue of stocks and bonds, charge expansive and exorbitant prices for transportation and for manufactured articles, which have to be borne by the consumer,

Resolved, That the Minneapolis Bankers' Association are opposed to and do hereby condemn the issuing of stocks and bonds by any corporation in excess of the value of the property which they represent; and we do hereby request our Senators and Congressmen to use their utmost endeavors to secure the passage of a law placing all corporations, the same as banks, under the control and subject to the supervision of the Bureau of Corporations in the Department of Commerce, when possible, requiring said bureau to certify to the payment of the capital of such corporations and to the issue of all stocks and bonds, but not in excess of the value of the property which they represent.

WALKING DELEGATES FURIOUS.

Almost Ready to Wipe Out Their Own Board Because Unions Back Down.

The news that several of the unions in the building trades had accepted the employers' plan of arbitration resulted yesterday in the most uproarious meeting of the Board of Building Trades which that body has yet held.

The indignation of the walking delegates was directed principally against the Plasterers' Union, which had accepted the plan with the provision that the helpers be paid $3.25 a day. The Tile Layers' Union, Tile Layers' Helpers' Union, Brotherhood of Painters and Amalgamated Painters' Society are also said to have accepted the plan, though their delegates were loudmouthed in repudiating the statement.

Several delegates wanted to know what things were coming to. Others said that it was time for the board [which had already disposed of the matter by repudiating the plan of arbitration] to act.

"I move that we expel the unions that have accepted the plan," shouted a delegate. A roar of applause followed. Then the more conservative of the members counselled caution. If all the unions accept the plan and the board expelled all their delegates, the board would virtually wipe itself out of existence.

William Fyfe, acting secretary in place of William A. Farley, who is sick, is one of the conservative members. Largely through his influence it was decided to defer final action until Monday, when reconsideration of the plan of arbitration will be made a special order of business.

"By that time," said Secretary Fyfe after the meeting, "we will know how the unions have voted regarding the plan and exactly what the general sentiment about it is."

The delegates of the Granite Cutters', Plumbers' and Stone Cutters' unions said that the employers in their respective trades were not in the Building Trades Employers' Association, but they were in favor of the plan of arbitration.

The board of governors of the employers' association will hear reports to-day from the unions whose representatves agreed to the plan of arbitration last Friday night. A representative of the board said yesterday:

"It is likely that work will be resumed in a great number of the trades on Friday. This will be the first break in the big shutdown, and the rest will be easy. In a week I expect all building will again be under way."

SUIT OVER A BOYCOTT.

$10,000 Damages Asked of a Bricklayers' Union in Richmond, Va.

RICHMOND, Va., July 8.—Suit for $10,000 has been filed by the Sitterding-Carneal-Davis Company, handlers of builders' supplies, against the Bricklayers' Union of Richmond. Fritz Sitterding, head of the concern, is also president of the Virginia Passenger and Power Company, whose men are now on strike for recognition of the union and higher wages. It is alleged that the members of the Bricklayers' Union have declined to work for any builder using material furnished by the Sitterding firm, and that in consequence the latter has lost heavily.

A decision of the State Supreme Court holds every member of a union found guilty of such conduct personally responsible. It is the intention of this and other firms to bring suit against every organization where there is any chance of proving a boycott. The business men of Richmond are incensed by the effort of the street car men to obtain their demands by use of the boycott. The strike has proved a disastrous failure and the men now realize it.

GRAVEDIGGERS ON STRIKE.

About Twenty of Them Want More Pay in Greenwood and Can't Get It.

A strike is on among the gravediggers in Greenwood Cemetery. Two weeks ago they made a demand for an increase of wages from $1.60 to $2 a day. The trustees of the cemetery agreed to make the wages $1.75, but these terms were not satisfactory to about twenty of the fifty diggers employed, and they quit work and opened headquarters near the main entrance to cemetery.

At the office of the cemetery it was said that there had been no delay in burials and no particular inconvenience as a result of the trouble, as no difficulty had been experienced in getting all the men necessary.

The strikers say that the receiving vault will soon be overcrowded unless their demand is satisfied. They also threaten, if peace is not soon arranged, to organize a union.

AGREEMENTS DON'T COUNT.

Brotherhood of Carpenters Admitted to Board of Building Trades at Last.

The Brotherhood of Carpenters was formally admitted to the Board of Building Trades yesterday, undertaking, through its walking delegates, to repudiate the agreement recently made for a year with the Employing Cabinetmakers and Interior Decorators' Association. This agreement provided that there shall be no sympathetic strikes, but that only members of the brotherhood shall be employed. William Fyfe, acting secretary of the board, said that Walking Delegates Thompson and McCracken had agreed over their signatures to repudiate the agreement. The union itself has yet to be heard from concerning this repudiation.

Kohlsaat Waiters Strike Again.

CHICAGO, July 8.—Waiters employed in the Kohlsaat lunch rooms went on a strike at noon. A general walk-out was ordered by the local joint board of cooks and waiters. Within a short time several of the establishments were closed. The waiters complain that they did not get written contracts, as agreed.

Dr. Burrell's Son Ordained.

PRINCETON, July 8.—David De F. Burrell, of New York city, a graduate of Yale and of the Princeton Theological Seminary, was ordained an evangelist in the First Presbyterian Church here to-night. The Rev. W. Park Armstrong, head of the New Testament department, preached the sermon, and the Rev. Dr. David J. Burrell of New York, father of the evangelist, gave the charge. Burrell held one of the William Henry Green fellowships in the seminary last year and was recently appointed instructor in the New Testament department of this institution.

POOLROOM RAID MISSED FIRE.

JEROME'S EXPECTED PREY LOST IN THE SHUFFLE.

The Hon. Dan Finn's Assemblyman Bails Out the Unimportant Prisoners That Were Caught in Territory Far From the Battery, but Nearer City Hall Park.

In the office of the County Clerk, Matthew Stripp, Jr., has for several months kept a chair from blowing away—to use the classic phrase of Mr. William Stephen Devery. Mr. Stripp is a son-in-law of Justice Dan Finn, Tammany leader of the First district. On afternoons of late it has been his custom to get off his chair at about 1 o'clock and depart to attend to some personal matters uptown.

Official curiosity was aroused and Capt. Brennan of the Macdougal street police and eighteen policemen started out yesterday afternoon to satisfy it. They visited 45 Mercer street late in the afternoon. The doors were locked. They had axes with them. They chopped down the front door and went up one flight of stairs. Then they chopped down another door and went up another flight of stairs. Then they kept on chopping down doors and going up flights until they reached the fourth floor room of the Quincy Club, in which many cards were hung upon the wall upon which were printed the names of racehorses, upon which also were pencilled the odds at which bets might be made on said horses. The police chopped down another door and found thirty-six men huddled together who begged most plaintively that the police let them go. The police had five warrants. They found two men whom the warrants seemed to fit. The other thirty-four were turned loose.

The two prisoners, who described themselves as George Gleason of 30 Desbrosses street and John Gaffney of 433 Washington street, were taken before Magistrate Olmsted in the Centre street court, and were by him held for trial in $500 bail. They were bailed by Assemblyman Andrew J. Doyle of the First Assembly district.

District Attorney Jerome, when apprised of the results of the raid seemed to be very much disappointed. At least one newspaper last evening quoted him as saying that the police had failed to find the most important man they wanted. He declined to give the man's name.

One of the policemen who were in the raid said last night: "It was a darned shame to spoil such a pretty thing. In the first place, the District Attorney had put it up to Capt. Pat Byrne good and hard to get this poolroom.

"'I can't get it,' says Byrne.

"'You've gotter get it,' says Willie.

"'Naw, gwan,' says Pat, 'you get it.'

"'After you,' says the Judge, who thinks that Pat is on to who is the boss of the poolroom and doesn't like the job.

"Pat scratches the back of his head until the floor is strewn with black hair. Then he tells the Judge that it's all right and he'll get the place, maybe.

"Says Willie: 'Well, you better had 'cause if there is any miscarriage of justice here,' he says, 'I'll have you up on charges just one week, seven days, from this date.'

"Then Pat *is* up against it. More hair to the floor. Pat is a great sight nearer bald now than he was a month ago. Finally he goes to his oldest boy, who ain't so old at that. He takes that innocent child and sends him into that devilish poolroom. He sacrifices his son to the needs of the law. He puts him in there and tells him to get the place right. Now it ain't for me, an honest and straightforward copper who knows no sin, to stand up here and say that the people in the poolroom, knowin' that the young feller's father was a police captain, allowed him unusual privileges and confidences.

"It ain't for me even to suspect such a thing. But the boy, he lands the goods. And no sooner has he landed them than off is Pat transferred to The Bronx, and Brennan goes to Mercer street in his place, and has to make the raid on Pat's boy's evidence. But say, I wish the Police Department would let a few of its struggling employees off at 1 o'clock in the afternoon so that they could attend to their private business uptown. I do for a fact."

Capt. Brennan, who was made a captain only a week ago, vows that he didn't lose anybody.

"The place was completely surrounded by my men," he said, "and not a soul got away from the police. We had five warrants, but only two of the men called for by them were there. I am confident of that. I did my duty fairhfully, and that is all I can say about it."

500 TALESMEN IN ONE CASE.

Court Orders Big Panel for Trial of Jersey Trolley Officials.

Chief Justice Gummere in Newark yesterday signed an order directing Sheriff Nicoll of Essex county to draw a panel of 500 jurors in anticipation of the trial of the officers and employees of the North Jersey Street Railway Company, who were indicted for manslaughter in connection with the Clifton avenue grade crossing catastrophe of Feb. 19, in which nine pupils of the Newark City High School lost their lives.

According to an agreement between Prosecutor Riker and ex-Gov. George T. Werts, counsel for the indicted men, 500 names will be placed in a jury box and only 250 of that number will be selected.

The Sheriff will draw the list on Monday and each man will be notified to appear for service on Sept. 1. The idea of calling a foreign jury has been abandoned by the defence.

This is said by lawyers of long practice in the New Jersey courts to be the largest panel ever summoned in that State for a single case.

CONEY ISLAND HIS ONLY HOME.

Warned Away, Fisher Wouldn't Stay Away and Is Arrested.

Harvey Fisher, 16 years old, who says his only home is Coney Island, was arrested there last night for attempting to pick a man's pocket. This is the fourth time he had been arrested in two weeks.

The first time he went before County Judge Aspinall, who suspended sentence but told the boy he would have to stay away from Coney Island. The lad kept away from the island till last night, but was arrested twice in crowded Brooklyn trolley cars just on general police principles. Detective Rawley picked him up in Luna Park last evening.

New President of Aransas Pass.

DALLAS, Tex., July 8.—The work of segregating the property and management of the San Antonio and Aransas Pass Railway from the Southern Pacific was begun to-day. President W. D. Cornish of the Aransas Pass Company resigned, as did also William Berry as a director. At a meeting of the stockholders both resignations were accepted. Charles R. Hudson, traffic manager of the Mexican Central Railway, was elected first a director to fill the vacancy caused by Mr. Berry's resignation, and was then elected president of the road, vice Mr. Cornish.

Gallant Cop Falls in Subway.

Policeman Henry Kain of the East Twenty-second street station, who has been on duty by the subway at Fourth avenue and Twenty-third street since the strike, fell into the excavation yesterday afternoon while escorting a woman across the street at that point. His leg was broken by the thirty-foot fall.

JOTTINGS ABOUT TOWN.

Henry Luxemburg, the special policeman who was arrested on July 4 for accidentally shooting Fireman Giblin in West Eleventh street, is not employed by the Holmes Company, as was stated at the time. He is a private watchman.

BRONX CARS JUMP THE TRACK.

Passengers Slightly Injured in Two Similar Accidents.

Several persons were slightly hurt late yesterday afternoon in an accident to a northbound Mount Vernon trolley car at 192d street and Webster avenue. The car was coming down a hill at a rate of eighteen miles an hour when the metal case on the gearing underneath dropped off.

The case struck the rear truck and threw the car off the rails and across the track. The car was an open one and more than a dozen of the passengers were thrown out. Several seats were smashed and the floor of the car was ripped up.

At 8:15 o'clock last evening a westbound Tremont trolley car was thrown off the track by a stone at the foot of the hill near the Bronx River bridge at West Farms. The car was thrown across the rails, nearly went over an eight-foot bank and several seats were smashed. Two or three passengers were thrown out, but none was badly hurt.

MARINES AT CULEBRA ISLAND.

To Be Retained There on Account of Possibility of Trouble in the Isthmus.

WASHINGTON, July 8.—As the result of a conference to-day between the Secretary of War and the Secretary of the Navy it was arranged that United States artillerymen, instead of United States marines, should be assigned to garrison the naval coaling stations at Guantanamo and Bahia Honda, which Cuba will transfer to this Government. The significant statement was made that on account of "the possibility of trouble on the Isthmus of Panama" it was deemed advisable to retain at Culebra Island the battalion of marines sent there in the winter, ostensibly for purposes of drill. These marines, it had been previously arranged, were to garrison the naval coaling stations in Cuba, it being deemed proper that naval stations should be guarded by marines and not by troops from the army.

The character of the trouble the Government thinks may come on the Isthmus was not disclosed. There have been trustworthy official reports that Panama and the other Isthmian States of the United States of Colombia would secede and set up a Government of their own if the Panama Canal treaty with the United States were defeated. It is known that this Government holds that Colombia is morally bound to approve the treaty, but there is no evidence that the marines at Culebra are to be sent to the Isthmus if the Colombian Congress declines to recognize this contention by rejecting the treaty.

THIS SEASON'S COTTON CROP.

An Expert Opinion Is That the South Will Not Produce More Than Three-fourths.

WASHINGTON, July 8.—Ashley Horne of Clayton, one of the most successful business men in North Carolina, who is largely interested in cotton manufacturing, is of the opinion that the Southern States will not produce more than three-fourths of a crop this season. Mr. Horne, in speaking of this subject to-day, said:

"At best there will not be more than three-fourths of a crop in North Carolina, and the same conditions prevail in the other Southern States. The time for big cotton crops in the South is at an end, in my opinion, and it will be a rare thing if the South ever produces more than an 11,000,000-bale crop. Scarcity of labor is responsible for this condition, which is more emphasized this year than ever before. I think the smallness of the crop will result in good prices being obtained for the product throughout the season.

"This has been a successful year for some mills and disastrous for others. The mills that had the foresight to lay in a supply of cotton last fall and failed so sell their product ahead have made money. Those that did otherwise have lost. A number of mills have had to close down, for it has been impossible to make money at the prices that the staple has commanded of late."

Postmaster-General Payne Returns to Washington.

WASHINGTON, July 8.—Postmaste -General Payne arrived in Washington to-night from New York, where he had stopped on his way home, after spending several days' vacation at the home of Roswell Miller, in Dutchess county. Mr. Payne was somewhat fatigued, and went immediately to bed. He refused to see all callers, but sent out word that he was much improved in health and would be at his desk in the Post Office Department early to-morrow morning.

Military Telegraph in Alaska Partly Destroyed by Forest Fires.

WASHINGTON, July 8.—A despatch was received at the War Department this afternoon from Capt. Burnell, at Dawson City, reporting that the military telegraph line in Alaska, which was completed June 24, had been partly destroyed before it could be put in operation. Forest fires in the Tanana Valley, he said, had caused serious damage to some parts of the line and had practically destroyed many miles of wire. It will take about a month to repair the damage.

Movements of Naval Vessels.

WASHINGTON, July 8.—The gunboat Bancroft has arrived at Port of Spain, Trinidad; the colliers Pompey and Naushan at Cavité, the tug Standish at Boston and the training ship Essex at Boston. The torpedo boat Wilkes has sailed from Port Royal for Norfolk, the collier Ajax from Malta for Port Said and the tugs Iwana and Nezinscot from Boston for Portsmouth, N. H.

Gen. Weston's Health Improved.

WASHINGTON, July 8.—Gen. John F. Weston, Commissary-General of Subsistence of the Army, who has been seriously ill in Baltimore for some time, has returned to Washington much improved. He will continue under treatment here, but will not be able for the present to resume his duties in the War Department.

Conversion of Government Bonds.

WASHINGTON, July 8.—The receipts of 3 and 4 per cent. bonds for conversion to-day were $1,093,500, making the total to date $76,912,600.

Army and Navy Orders.

WASHINGTON, July 8.—The following army orders were issued to-day:

Major Ira MacNutt, Ordnance, to additional duties as ordnance officer of Department of California.

Capt. Tracey C. Dickson, Ordnance, assigned as recorder of the Board of Ordnance and Fortification, vice Capt. William W. Gibson relieved.

Second Lieut. W. G. Notlow, recently appointed, assigned to Twenty-fourth Infantry, Company E, and to Fort McPherson, Ga., for temporary duty.

Capt. Jens Bugge, Twenty-eighth Infantry, to West Point Military Academy.

Transfers in the Artillery Corps: Second Lieut. William H. Peek, from the unassigned list to the Eleventh Coast; Second Lieut. Charles G. Mortimer from the Eleventh Coast to the unassigned list.

Leaves of absence: Lieut.-Col. Harry L. Haskell, Twelfth Infantry, two months; Major Luigi Londa, Artillery, one month; Capt. G. C. Broome, Porto Rican Regiment, five days; Second Lieut. Brainerd Taylor, Artillery, one month; Second Lieut. H. M. Smalley, Second Cavalry, one month.

These naval orders were issued:

Lieutenant-Commander A. P. Niblack, to Honolulu station, in charge of naval property.

Lieut. W. B. Whittlesey, from the Bennington to home and wait orders.

Midshipman J. C. Fremont, from the Perry to the Alert.

Paymaster T. H. Hicks, from Bureau of Supplies and Accounts, Washington, to the Illinois.

Assistant Paymaster-General W. Pigman, Jr., from the Illinois to home and wait orders.

Accuses His Salesman of Theft.

Henry D. Quast, a salesman for E. E. Martin, a wholesale butter and egg merchant at 3 Harrison street, was arrested last evening on a charge of grand larceny. Mr. Martin in his complaint accuses Quast of stealing $29.35. He says, however, that Quast has really robbed him of about $600. Quast lives in Union Hill, N. J.

FIGHT FOR SPENCER'S LIFE.

JEROME TAKES CHARGE OF CASE AGAINST POLICY MURDERER.

Lawyers for the Negro Seek to Show That He Was a Paretic—Mr. McClelland and Recorder Goff Fall Out—Case Is Not Likely to End Before Friday.

District Attorney Jerome went before Recorder Goff in General Sessions yesterday and personally took charge of the prosecution of William Spencer, the negro who shot and killed Supt. Macfarlane of the Anti-Policy League.

The defence put in such strong testimony to show that Spencer had had general paresis and could not distinguish between right and wrong that the District Attorney's office feared that he might get a verdict of murder in the second degree. It was expected yesterday morning that the case would go to the jury last night, but it is doubtful now if it is ended by Friday night.

The experts who have testified that Spencer is insane are Dr. Ira Van Giesen, Dr. Prout, Dr. Hyman Goodheart and Dr. Lewis B. Clarke.

Yesterday Mr. Jerome got Dr. Carlos F. MacDonald and Dr. Gerard Jeliffe to examine Spencer, and they said on the stand that he is sane. The county will pay the experts for both sides.

The trial yesterday was marked by a spat between ex-Justice Lynn and Lawyer McClelland, Spencer's counsel. It followed a question put by the Recorder to Dr. Van Giesen. Its effect was damaging to Spencer's cause and the Recorder refused to let Spencer's counsel cross-examine on it. Their efforts to get their objection to the Recorder's ruling on the record finally caused the Recorder to order Mr. McClelland not to address him further upon the subject. This was the question:

"If Spencer said after the shooting that he would just as soon go to the electric chair for killing Macfarlane as to jail on the policy charge, didn't that indicate that Spencer knew he had done something wrong for which he would be punished?"

Dr. Van Giesen said that it did not necessarily show that Spencer realized it before the shooting. He also said that Spencer's condition was such that when in his examination the "cue" was given him he immediately exhibited the symptoms of paresis. Thereupon Mr. Jerome asked him if he thought that Spencer's present actions are the result of hypnotic suggestion and if Dr. Van Giesen ever suggested it to him. Dr. Van Giesen repudiated the idea.

The Recorder later recalled Dr. Van Giesen and let Spencer's counsel examine him, with the limitation that they should question him only about his answer to the Recorder's own question. Mr. Lynn refused to be limited, but Mr. McClelland asked a few questions.

BRONX INTERTROLLEY GIBES.

Huckleberry and Interborough Resume Their Scrap.

The Union Railway Company and the New York city Interborough Street Railway Company locked horns again before the Railroad Commissioners yesterday morning. The Huckleberry folks think the Interborough outfit and its prospective street car lines are not needed in The Bronx or anywhere else.

Before the full Board of Commissioners, sitting in Parlor DR of the Fifth Avenue Hotel, testimony was adduced yesterday to show that the proposed lines of the Interborough company along Aqueduct and Decatur avenues are not a public necessity and might become a public nuisance. After this and some other testimony had been taken, William H. Page, Jr., for the Union company, took up the question that was raised at the last meeting of the Commissioners, as to whether the Interborough company had complied with the law which requires that a street railway company must have deposited, in good faith, with a reputable financial institution 10 per cent. of its capital stock before it can receive a certificate of incorporation.

At a previous meeting President Robert C. Wood of the Interborough company testified that at a meeting of the directors of the company held at the office of Wood, Havemeyer & Kearney, brokers, of which firm Mr. Wood is the senior member, he turned over to the directors $40,000, or 10 per cent. of the Interborough's capital stock, and that he, as the president of the company, deposited the money to the credit of the Interborough company in the Bank of North America. About two hours later, Mr. Wood testified, he withdrew the money from the bank and deposited it with Wood, Havemeyer & Kearney. He did this, he said, because his firm was the only one he knew which allowed interest on $40,000 accounts. By depositing the money with Wood, Havemeyer & Kearney the Interborough company got the benefit of the interest.

In his argument yesterday Mr. Page held that neither the spirit nor the letter of the law had been observed in this transaction, since it was what is known in Wall Street as a "wash transaction," which is not tolerated by the rules of the Stock Exchange, to say nothing of the laws of the State of New York.

He said that the deposit was not made in good faith and never was intended to have been so made, and, therefore, the certificate of incorporation of the Interborough Street Railway Company is null and void.

Everett P. Wheeler, for the Interborough company, said that the deposit had been made in good faith, and as evidence of the fact he pointed to $28,000 worth of vouchers to show that the Interborough company had paid out that much of the $40,000 in the interests of the company. Replying to this statement, Mr. Page said that the vouchers didn't help out Mr. Wheeler a bit.

"It is," he said, "as if you stole my purse and some time afterward repaid to me the money you stole. The repayment would not clear you of the charge of theft."

At the conclusion of the argument, the Commissioners adjourned the hearing until July 27, at the same place.

Railroad Censured for Explosion.

The jury in the inquest held by Coroner O'Gorman of The Bronx into the Pintsch tank gas explosion at the New York Central Railroad's yards on May 26, in which two men were killed, returned a verdict yesterday censuring the railroad company.

The Weather.

The high pressure area was central yesterday morning over the Middle and South Atlantic States, causing an increase of heat east of the Mississippi and particularly on the Atlantic coast north of the Carolinas. On this coast the temperature ranged from 85 to 95 degrees. In the upper Mississippi and Missouri valleys the temperature had a fall of 10 to 18 degrees. This coolness, however, will be of little relief here, where it is likely to be extremely warm again to-day.

In this city yesterday the temperature touched 98 degrees in the sun at 4 P. M.; wind fresh to brisk westerly, shifting to southerly; average humidity, 53 per cent.; barometer, corrected to read to sea level, at 8 A. M., 30.09; 3 P. M., 30.00.

The temperature yesterday, as recorded by the official thermometer, is shown in the annexed table:

	1903.	1902.		1903.	1902.
9 A.M.	76°	71°	6 P.M.	86°	82°
12 M.	86°	77°	9 P.M.	80°	79°
3 P.M.	88°	82°	12 Mid.	76°	76°

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW

For eastern New York, eastern Pennsylvania, New Jersey and Delaware, fair to-day and to-morrow; light to fresh southwest winds.

For New England, fair to-day and to-morrow; fresh southwest winds.

For the District of Columbia, Maryland and Virginia, fair to-day and to-morrow; light variable winds.

For western Pennsylvania and western New York, showers to-day and probably to-morrow; light to fresh southwest winds.

On Saturdays During July and August the Store Will Close at One o'Clock.

Saks & Company

Have Organized for Thursday, Friday & Saturday

A Special Sale of High-Grade

Summer Suits for Men

AT REDUCED PRICES.

Suits of Cheviot, Worsted, Tweed or Cassimere, single or double breasted models, quarter, half or unlined.
Values $20.00 and $22.50, At $15.00

Suits of Homespun, Cassimere, Cheviot or Worsted, the newest sack coat models, full or half lined.
Values $15 and $18, At $11.00

Saks & Company

Have Instituted for Thursday, Friday & Saturday

A Sale of Apparel for Boys

At Liberally Reduced Prices.

Wash Suits, Sailor or Russian Blouse models of mercerized Chambray or Galatea, in stripes, checks or plain colors, trimmed with braid and embroidered designs, sizes 2½ to 10 years. Values $1.25 and $1.95. At 95c

Also, a finer quality, mostly imported fabrics, hand embroidered. Values $2.75 and $3.50. At $1.75

Wash Suits, Norfolk models, with bloomer trousers, of plain or fancy striped pure linen or linen crash, as well as white or fancy striped duck, sizes 7 to 16 years. Values $3.75 to $4.50, At $2.75 and $3.50

Knee Trousers of blue checked Creole or striped Galatea or Crash, sizes 3 to 16 years. At 25c

Laundered Blouses, with or without collar, of Oxford Madras or Mercerized Gingham, sizes 6 to 16 years. West Point blouses of same fabrics for smaller boys. Values $1.00 and $1.25. At 75c

Broadway, 33d to 34th Street

"BLACK TOM" DEAD AT 102.

Thought Whiskey Kept Him Young and Smoked All His Life.

Thomas Thompson, a negro who was known all over Hudson county, N. J., as "Black Tom," died yesterday morning in his shanty on the Hackensack River at Snake Hill at the age of 102. The date of his birth was never recorded, but his relatives, who represent four generations, were in the habit of celebrating his birthday anniversaries on New Year's day.

"Black Tom" was born a slave in Moonachie, N. J., in 1801. He was sold at an early age to the Smith family, owners of a large tract of land in Secaucus. Several years before New Jersey abolished slavery the negro bought his freedom. His former master gave him a start in life by deeding to him a plot of ground at Snake Hill. He put up a shanty, got married and raised a large family. He made a point of never accepting charity and supported himself by raising vegetables and selling the pelts of muskrats which he captured on the Hackensack meadows.

"Black Tom" believed that the use of liquor and tobacco "kept him young." He was particularly fond of good whiskey and smoked a clay pipe. He went to bed early, arose at daybreak and never shirked hard work. He retained his faculties until the end.

The negro's wife died ten years ago at the age of 90. His comfort had been looked after in recent years by a great-granddaughter, whose husband died last year, and a great-grandson. "Black Tom" estimated that he had about 100 descendants.

The funeral services will be held in the Grove Church Chapel, Secaucus, to-morrow.

Obituary Notes.

Andrew Frederick Gault, president of the Montreal Cotton Company, president of the Dominion Cotton Company and of the Gault Brothers Company, Limited, died at his summer residence at Georgeville, Quebec, yesterday of diabetes. He was a director of the Bank of Montreal and many other financial and industrial corporations. He was born at Sabbane, Ireland, in 1833. He leaves an estate valued at over $2,000,000.

Arthur H. O'Connor, recently assistant corporation counsel for the District of Columbia, died in Washington on Tuesday evening at the age of 45 years. He was born in Muscatine, Ia., but had resided in Washington since 1872, when his father, Henry O'Connor, was appointed Solicitor of the State Department by President Grant. He was a graduate of the Iowa State University and Columbia University Law School.

Mrs. Sophie Lewis, wife of Samuel A. Lewis, who was president of the New York Board of Aldermen under Mayor Wickham, died at her summer home in South Elberon yesterday. She was 70 years old, and is survived by her husband and seven sons. Mr. and Mrs. Lewis celebrated their golden wedding on June 29.

Dr. C. E. Nash, one of the oldest and best-known physicians in the South, is dead in Little Rock, Ark. He was a writer on civil war subjects. He was a near relative of Richard P. Bland of Missouri and was born in St. Louis.

Herman Kohler, a well-to-do silk manufacturer of New York city, died in the home of his brother, Robert Kohler, at Adelphia, N. J., to-day, aged 60 years. Death was caused by heart trouble. He leaves one son, who lives in New York. Mr. Kohler was at his brother's home at Adelphia on a visit. He died suddenly.

Jacob H. Vanderbilt's daughter Clara, the widow of James McNamee, and a niece of Commodore Vanderbilt, died yesterday at her home, Dongan Hills, Staten Island.

Thought He Was Too Active in Politics.

The Board of Education of West New York, N. J., has dismissed Supervising Principal William Van Sickle because it believes he has been too active in politics. Van Sickle says his dismissal by the Board of Education is illegal, and he is confident that the courts will reinstate him.

Bicycle Suit Sale

150 ALL WOOL GOLF-BICYCLE SUITS, Nobby Styles—Sizes 33 to 42, at $5 a Suit.

Reduced from $8, $9, $10, $12

Bathing Suits for Men, Women and Children, 50c to $8.50.

A. RAYMOND & CO., Nassau, cor. Fulton St., N.Y. Est. 1857.

MAINE SHOE FAILURE.

Asa Cushman & Co. of Auburn Assign—Liabilities, $400,000.

BOSTON, July 8.—The Shoe and Leather Mercantile Agency reports the assignment this morning of Asa Cushman & Co., shoe manufacturers of Auburn, Me., to E. S. Paul, a merchant and bank director of that city. Asa Cushman & Co. had a paid-up capital of $500,000 and stood high in the trade, Mr. Cushman being president of the National Shoe and Leather Bank of Auburn, Me., and interested in many other large Maine enterprises.

The firm was incorporated in 1888 and did a business of $1,250,000 a year. The liabilities are estimated at between $400,000 and $500,000 and the assets are believed to be in excess of the liabilities. The assignment was attributed to the inability of the firm to secure sufficient bank accommodation. A despatch from Auburn says that the firm expects to make a settlement and continue to do business.

Miss Eichholz Won't Wed Rabbi's Son.

Kate Eichholz of 60 Newell street, Greenpoint, a member of St. John's Lutheran Church, whose contemplated marriage to Jacob Luebke, son of the rabbi of the Congregation Shaari-Zedek, created a stir in church circles in Greenpoint, announced last evening that she would not marry Luebke. She told Luebke of her decision. She said their engagement had made much trouble and their marriage would make more.

Foundry Plant Burned.

HORNELLSVILLE, N. Y., July 8.—The Hornellsville Foundry Company plant was destroyed by fire shortly after 4 o'clock this morning. Patterns valued at $27,000 were destroyed. The loss on the building was $20,000.

The Health Beverage, Especially in Hot Weather is ROSE'S Lime Juice.

The product of choicest West India Lime Fruit, it is delic