

SOING MAGISTRATE CRANE.

POLICE JUDGE CRITICISED BY THE APPELLATE DIVISION.

He Held Butler Farley on a Short Affidavit and the Higher Court Called His Action "Both Illegal and Arbitrary"—All the Court Agreed in the Opinion.

City Magistrate Leroy B. Crane has had the distinction, if such it may be termed, of having the Appellate Division unanimously declare that one of his acts as a Magistrate was "both illegal and arbitrary."

Farley was arrested by Policeman Emil Stettner, attached to the West Side court, on March 8, 1901, by order of Magistrate Crane. Stettner swore subsequently that Magistrate Crane said to him on that day:

"Go and arrest this man for the larceny of \$100." Stettner was asked if he had a warrant or affidavit in the case and he swore he did not.

Farley had got in trouble with the Fifth Avenue Bank through the discounting of paper. He was the son of a well known builder, Lorenzo Farley, and with his brothers had erected scores of houses on the upper West Side.

Farley was in the habit of discounting the bank at intervals and the bank people asserted that they discounted \$20,000 worth because he gave them the impression that he had ample security in the bank already to cover the loan, when he did not.

Farley's counsel has always asserted that the arrest was an attempt to collect a debt and nothing more.

The bank cashier, Andrew Thompson, laid the facts before Magistrate Crane and the latter sent Stettner out to get Farley. The latter says the policeman simply told him that the Magistrate wanted to see him in court.

Magistrate Crane heard some oral testimony in the matter and again held him on \$100 bail, deciding that there was probable guilt. The records show that there were no depositions or any warrant in the case and that the short affidavit was all that was before the Magistrate.

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The jurisdiction of the Magistrate to issue a warrant on a short affidavit is challenged by the traverse to the return and the Magistrate having been commanded by the writ to return the information or evidence before him, the question as to whether he acquired jurisdiction to issue the commitment was fairly presented by his return without further evidence, as both parties and the court assumed that there was no further record that could be produced.

Justice Laughlin then made this comment on the police officer in making the arrest and of the Magistrate in holding the returner deserve severe condemnation. The notes have been both illegal and arbitrary.

Commenting further on the case, Justice Laughlin added: "Upon which the returner has been arrested and held is either that he has committed a felony or that a felony has been committed and that there was reasonable cause to believe that he had committed it."

Nothing was ever done with the Farley case except to serve notice on the parties concerned. Magistrate Crane included, of course, in the return the names of the two inspectors who made the arrests to make them effective.

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ICE WAGONS WITHOUT SCALES.

Eighty or more ice dealers in Queens appeared before Magistrate James F. McLaughlin in Long Island City yesterday to explain why their wagons were not equipped with scales.

Inspector John Sullivan and James Van Osten searched Queens for ice wagons carrying scales. Practically they found none. Representatives from the Corporation Counsel's office in Manhattan were present on behalf of the city, while many of the ice dealers, relying upon the unimpeached integrity of their business, didn't even think of getting a lawyer.

The Hall with her cargo will be a total loss. The Holmes it is thought will be saved. Capt. York felt confident that he would reach New York despite the storm which was tossing his little craft.

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RABBI BENJAMIN FOUND DEAD.

Succumbs to Acute Indigestion in the Hotel St. George.

Rabbi Raphael Benjamin of the Temple Elohim in Nassau street near Division avenue Brooklyn, was found dead in bed yesterday afternoon at the Hotel St. George in Brooklyn, where he had lived for about three years.

As he did not appear yesterday his room was searched and his body was found in the hotel physician's said he had been dead several hours. The coroner's physician, Dr. Hartung, said the rabbi had died of acute indigestion.

Rabbi Benjamin was 63 years old and was born in London. He came to this country twenty-five years ago and settled in Cincinnati. About ten years ago he came to this city and in a short time took charge of the Williamsburg Synagogue, a congregation of about 800 persons.

He was a member of the Board of Jewish Education and of the Board of Jewish Charities. He was also a member of the Board of Jewish Education and of the Board of Jewish Charities.

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TWO SCHOONERS BEACHED.

THE JAMES M. HALL AND SAMUEL C. HOLMES ON JERSEY SANDS.

Crews of Both Brought Ashore by Breaches in Hull—The Hall Broke Her Foremast, and as She Had Already Been Taken in Water Soon Became Waterlogged.

LONG BRANCH, N. J., Nov. 15.—The two masted schooners James M. Hall and Samuel C. Holmes, both bound for New York, the former loaded with fish oil and the latter with pine lumber, were beached on Elberon, this city, shortly before noon today. The captains and crews were rescued in breeches buoys by the life savers.

The rescued men are Capt. Charles York of Pleasantville, N. J., of the schooner Hall, Matthew Dahler, mate, Walker Roswell, colored, seaman, and Bishop, cook; Capt. John J. Evans of Berlin, Md., of the Holmes; Lewis Engleberg, cook; John Anderson, mate, and Charles Sustanon, seaman.

The Hall with her cargo will be a total loss. The Holmes it is thought will be saved. Capt. York felt confident that he would reach New York despite the storm which was tossing his little craft.

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TRY IT IN YOUR BATH

SCRUBB'S MOLLIENT AMMONIA

A DELIGHTFUL PREPARATION

- SCRUBB'S INVALUABLE FOR TOILET PURPOSES. SCRUBB'S FOR MOTORISTS SO COMFORTING AFTER A JOURNEY. SCRUBB'S CLEANS & BRIGHTENS SILKS, LACES, AND WOOLEN GOODS. SCRUBB'S REFRESHING AS A TURKISH BATH. SCRUBB'S MAKES YOUR HANDS SOFT AS VELVET. SCRUBB'S KEEPS MIRRORS BRIGHT AND CLEAR. SCRUBB'S ALLAYS IRRITATION OF INSECT BITES. SCRUBB'S CLEANS WINDOWS IN SHORT ORDER. SCRUBB'S SPLENDID FOR BATHING TENDER FEET. SCRUBB'S REMOVES ALL ODOR FROM PERSPIRATION. SCRUBB'S AFTER ALL TAXING EXERCISE & SPORTS SO VIVIFYING & BRACING. SCRUBB'S A POWERFUL ANTISEPTIC. SCRUBB'S REMOVES GREASE AND DANDRUFF FROM THE HAIR. SCRUBB'S MAKES CLOTHES BEAUTIFULLY WHITE. SCRUBB'S UNEXCELED FOR CLEANING SPONGES. SCRUBB'S CLEANS PLATE AND JEWELRY WITH HARDLY ANY EFFORT. SCRUBB'S FOR CLEANING EYEGLASSES QUICK AND CERTAIN. SCRUBB'S REMOVES ALL STAINS. SCRUBB'S RESTORES AND CLEANS CARPETS. SCRUBB'S FULL INSTRUCTIONS ON EACH BOTTLE. SCRUBB'S KEEPS HAIR BRUSHES CLEAN. SCRUBB'S INDISPENSABLE FOR WASHING DISHES. SCRUBB'S ADDED TO THE WASH MAKES CLOTHES SNOWY WHITE. SCRUBB'S MAKES SOILED WHITE CLOVES LOOK LIKE NEW.

USED BY ALL THE ROYALTIES OF EUROPE

At all Grocers and Druggists, 25 cents a large bottle. SCRUBS & CO., LTD., Greenwich Street, NEW YORK.

PHILA. TRANSIT TROUBLES.

Stock Drops From 30 to 23—Move to Take Away Franchises.

PHILADELPHIA, Nov. 15.—The Philadelphia Rapid Transit Company, which has a monopoly of all Philadelphia streets, is near a crisis. The stock, which two weeks ago was selling for 30, was to-day traded in at 23.

Two weeks ago a call of \$5 a share on the stock was made and it is understood that another call for a similar amount will soon be issued.

The revelation prompted an investigation of the ability of the company to build the Broad street subway and the Franklin avenue elevated road for which franchises have been obtained.

In a statement given out to-day Mr. Earle, while defending the company against public criticism, makes it plain that he is out of sympathy with the management.

CIVIC FEDERATION MEETING.

To Be Held on Dec. 12 and 13—Andrew Carnegie to Speak.

The officers of the National Civic Federation announced last evening that it had arranged to hold its annual meeting on Wednesday and Thursday, December 12 and 13, at the Park Avenue Hotel.

MUMM & CO. EXTRA DRY & SELECTED BRUT. The highest grade Champagnes that it is possible to produce. The Champagne by which others are judged.

19th Anniversary Sale



In nineteen years the Brill business has grown from one of the smallest in New York to one of the largest in America. Better Values and Better Merchandise have made possible this growth. To-day four Brill stores present over ten thousand overcoats at less than prevailing values and an assortment of suits unequalled anywhere.

Overcoats Birthday Special, \$19. Triple Milled Finest Kersey Overcoats; fabric is best Kersey made in America; the colorings are Oxford and black; the models, semi-fitted box, with heavy, angular lapels; tailoring finest possible; values \$38 to \$30. Suits Birthday Special, \$19. Smart Gray Worsted Suits; highest grade American fabrics; full weight; handsome silk overplaits and neat silk stripe effects; models are correct "Brill" fashions.

Get the Habit. Go to Brill Brothers. FOUR STOKES. UNION SQUARE, 14th, n. B'way. 47 CORTLANDT, n. Greenwich. 125TH STREET, cor. 3d Avenue.

designers, Manufacturers and Retailers of Distinctive Apparel for Boys.

Correct Style. Perfect Fit. Permanent Shape. Tested Fabrics. Appropriate Patterns. 60-62 West 23d Street.

WAITED FOR GREEK SLAYER.

Brother of the Man He Killed Pounced on Him at Ellis Island.

Demetrius Dimitroulis, a Greek who killed one brother and cut off the arm of another brother of Demetrius Alevizis two years ago in Greece and then became a fugitive, landed yesterday at Ellis Island from the steamship St. Laurent. He wore a muffer and his hat was pulled over his eyes.

Demetrius Alevizis, who was formerly a fellow townsman of the murderer, was in waiting with United States officers at the island for him. Alevizis jumped on Dimitroulis as he stepped off the gang-plank of the transfer boat and tore off his muffer, revealing a scar caused by a bullet wound. The officers arrested Dimitroulis.

Dimitroulis said that Alevizis's brother Costa had wronged a woman of the Dimitroulis family and that therefore he, Demetrius Dimitroulis, had shot Costa. He said that he was carrying off the arm of another Alevizis.

TWO GAS EMPLOYEES OVERCOME.

Each in Turn Sent to Stop a Leak in a New House.

The Brooklyn Union Gas Company sent Thomas P. James of 128 Pioneer street, Brooklyn, one of its employees, to a house at 566 Fifth avenue in that borough yesterday to fix a pipe in the bathroom from which gas was escaping. The house is new and never has been occupied, workmen being still in the place. James was overcome by the gas. He was discovered by the other workman and was taken to the Norwegian Hospital by Dr. Stratman, who came with the ambulance. He was revived after two hours work.

Soon after James collapsed the gas company sent up Henry Woldert of 287 Truants street, another employee, to fix the pipe. He also was overcome and taken to the Norwegian Hospital by Dr. Stratman. He died two hours after he reached the hospital.

B. Altman & Co.

FIFTH AVENUE. THIRTY-FOURTH AND THIRTY-FIFTH STREETS. WOMEN'S UNDERGARMENTS. Domestic Garments, including many new effects, made up in the establishment showing exclusive designs in lace and embroidery, and affording special facilities for the selection of Bridal Sets and Complete Trouseaux. Night Robes, Chemises, Petticoats and combination garments, of delicate fabrics with appropriate trimmings. Attractive novelties in Mullinees and Boudoir Jackets of silk, flannel and albatross. SPECIAL ORDERS RECEIVED FOR TROUSSEAU AND BRIDAL SETS IN ORIGINAL STYLES. Monograms, Crests and Initials Embroidered.