HARGIS, LORD OF A COUNTY

CAREER OF THE FEUD LEADER, DEAD BY HIS SON'S HAND.

Climax of His Career Came With the Murder of Dr. Cox and His Friend Lawyer Marcum—Tried for the Crime, but No Witness Dared Appear Against Him.

When the son of Judge James Hargis shot his father dead day before yesterday there fell a ruler whose sway over Breathitt county, Kentucky, has been as absolute for many years as the rule of the Czar over Russia. It was an end generally regarded as most appropriate. Judge Hargis died as many another man in Breathitt county has died, most of them, according to popular belief, by the orders of Judge Hargis himself, and several of them by his own hand.

The dead feud leader had for a long time practically held the power of death and life over the 10,000 persons who inhabit the remote mountain county. Something almost invariably happened to the men who opposed his despotic rule, and it was invariably something unpleasant.

Of the town of Jackson, where in 1900 some 940 persons lived, he was the undisputed master, and though there has been evidence and to spare to connect him with numerous crimes of blood and violence, it has never been possible to have him tried before a jury that dared convict him or a Judge who was not afraid of him.

Practically there has been no law in Breathitt county for a good many years except the law of Jim Hargis's shotgun and the Hargis gang. Yet though the monarch of Breathitt county could scarcely have foreseen that his victims were to be revenged upon him through his own son, it is evident that he realized that the fate that has overtaken so many despots before might one day destroy him too. For within an hour after the son had murdered his father the Judge's wife sent this despatch to an undertaking establishment:

"Express to-day casket selected by James Hargis, as he is dead."

It seems that not so very long ago Judge Hargis went to an undertaker and looked over the stock of coffins. He seemed difficult to please, and said at last that he didn't see anything that suited his fancy. The upshot of it was that he ordered a coffin made especially for him and paid $1,500 for it. His shot riddled body lies within it now.

Judge Hargis rose to the height of his despotism as the Democratic boss of his county. He was County Judge and a member of the Democratic State committee. He was a strong, relentless personality and not without attractions of a rough and uncouth sort. He was big and strong, but like all the feudists of Kentucky his principal weapon was assassination. Like all the rest he fought in the dark, the difference being that his ambuscades were invariably so skilfully contrived that the intended victims had almost no chance of escape. The cruelty and cleverness of the man fully appear when it is remembered that in a single year there were no less than thirty cold blooded murders in Breathitt county, and that of these some twenty seem to have been justly attributable to Hargis or his clan.

Most of the Hargis murders attracted small attention outside the limits of the county in which they occurred. As a rule the relatives and friends of the murdered men dared make no demand for justice. They had to live in Breathitt county and they knew that life there and open opposition to Jim Hargis were incompatible. But for the courage of a widowed woman who dared to do what the men dared not the outside world might never have heard of Hargis and his murders.

The feud that the Hargis clan has waged against all their opponents in Breathitt county began not long after the close of the civil war—so far back that the real cause of its origin is wrapped in obscurity. It is only remembered that one of the Hargises was the first victim. He was shot as he stood one night in his sugar camp, with his arm over the shoulder of his newly married wife. Vengeance was sworn by the Hargises and Breathitt county since that time has been indeed a dark and bloody ground. Scarcely a year has passed without one or more murders growing from that single rifle shot in the dark nearly half a century ago.

The late Jim Hargis, slain last Thursday by his own drunken son, was one of six children. They were all brought up in the atmosphere of murder and assassination, but for some reason this particular Hargis was in his early years a son of peace. His parents indeed were almost ashamed of him, so pacific appeared to be his disposition.

He went into business in Jackson, the county seat of the Breathitt, and with his brothers started a general store of the country crossroads variety. From the very first he took to politics and made friends with the men who ran the Democratic machine. His friend Edward Callahan was eventually elected Sheriff of the county. By that time Hargis had made so much money that the family was redeemed from the abject poverty to which decades of feud fighting had reduced them.

Hargis himself was the richest man in his county. He was that on the day of his death. When Callahan was elected Sheriff Hargis was elected County Judge. He was worth more than a quarter of a million dollars, and with most of the money and all the judicial power in the county he at once became the despot who ruled mercilessly and so stealthily up to the day when his own son shot him dead in his home.

To all intents and purposes Jackson was in Judge Hargis's pocket. The town lies at the end of a little jerk water railroad. It is practically unapproachable over the mountain wagon roads. Nobody got into Jackson without Hargis knowing all about it. The trainmen might just as well have worn collars inscribed with Hargis's name.

Every one of them knew that his life depended upon the will of Hargis. Hargis's sworn vassals rode free guards and inspectors until the trains had travelled several miles distant from Jackson. Incoming trains were boarded by these guards at the same point. The telegraph office was an annex of Hargis's general store. No message could be sent without his approval. None could be delivered without his censorship.

He was monarch of all he surveyed, and he surveyed pretty much everything that lay within surveying distance. Of course there was a post office, but there doesn't seem to be much doubt that Judge Hargis was tolerably familiar with the contents of parcels that went out from the Jackson post office paying letter postage. Otherwise the postmastership at Jackson wouldn't have been an office very greatly coveted by any citizen of Breathitt county.

Just how much blood was spilled before Judge Hargis and his outfit had closed their grip thus tightly upon the town of Jackson and the county of Breathitt will never be known exactly, but the story is a fearful one. And perhaps it was only the peculiarly coldblooded and open manner of the assassination of Dr. B. D. Cox that accounts for the publicity that followed it.

Dr. Cox was not at any time a feudist. He merely dared to disobey an order from Hargis to leave the county. He had no intimate relations with either the Hargises or the anti-Hargises. He was a practising physician and in some way had been made the legal guardian of one of the Cockrill boys, whose family had been for years opposed to Hargis. The acceptance of such a job was a tactical error, for it attracted the attention of Judge Hargis.

"I have been ordered to get out of Jackson," Dr. Cox told his friends one day when he walked down through Main street. "I've got to get out of here or die, they tell me. But I ain't going to go. Here's where I've lived and here's where I'll die when my time comes. I ain't going to carry any firearms either. Jim Hargis can kill me safe enough if he wants to. It's no use carrying firearms anyhow. I wouldn't shoot anybody from behind, but if Jim Hargis is going to shoot me that's the way he'll do it."

That was the way he did it, sure enough. That very night as the doctor was going back home after making a call on a sick man he was shot in the back from the dark. He fell in his tracks and lay there groaning. A crowd quickly gathered and the dying doctor pleaded with them to kill him.

"For God's sake, boys," he moaned, "put another charge into me. I'm going to die anyhow. Finish it up quick."

One of the bystanders was Curt Jett, one of the Hargis gang. He stepped out from the throng and cocked the shotgun he had been carrying over his arm.

"I want to say, Doc," he remarked pleasantly, "that I ain't got nothing special agin you. I always liked you personal."

With that he fired a load of buckshot into the body of the wounded doctor, who must have died instantly.

Dr. Cox had a close friend, a lawyer, James B. Marcum. He was not pleased when he heard that his friend had been murdered. He was in fact incensed. Moreover he had the nerve to say so. He went around Jackson saying what he thought about the case. There was no particular mystery about it. It wasn't long before every man in town knew the names of the three men who had shot Cox from the dark, knew where they stood when they shot him and how one of the three had hesitated until the other two threatened him. Only nobody said much about it above a whisper, with the solitary exception of Lawyer Marcum. He very well knew that he was sending out an invitation to Death, with R. S. V. P. engraved in the lower left hand corner, but somehow whenever he thought of his friend, the doctor, which was pretty nearly all the time, he just couldn't keep still.

Moreover, he soon busied himself in bringing a suit a suit to oust Judge Hargis and his friend Ed Callahan, the Sheriff, on a charge of fraud at the polls. There wasn't a man in Jackson who didn't believe that from the moment he began to complain because his friend had been murdered his death was decreed by Hargis, but the election suits undoubtedly hastened the end. He was not entirely without a warning. Indeed it was a semi-official warning. It was brought to him by a mountaineer whom he knew to be an intimate of Judge Hargis. This man dropped in at his office one day in a casual sort of way, said it was a pow'ful pretty day and then repeated it half a dozen times and having thus gently led up to the subject on his mind remarked bluntly: "'F I was you, Jedge, I sorter reck'n I'd light outer these here parts fer a spell. Jim's pow'ful sore on you-all."

But Lawyer Marcum didn't light out. He went about his business of working up the ouster suit, and he continued to express his displeasure at the murder of Dr. Cox and to say that he missed him. Meantime Mrs. Marcum momentarily expected to become a widow. But in order to prevent it as long as possible she went about constantly with her husband, and as the pair went about the streets the husband carried their child, a chubby chap of two or three years. Whenever he sat at his office window his wife would be not far away, and the child would be sitting in his lap.

But three months passed and there came no sign from the Hargises. Lawyer Marcum got careless. He thought maybe Judge Hargis had made up his mind to be good. One day he came downtown without his baby and his wife. He had occasion in the course of the morning to go to the court house. As he stood talking with another men in the doorway Judge Hargis looked across the street from his store and saw him. With the Judge was Sheriff Callahan.

"Go git a gun, Ed," said the Judge. "There's goin' to be somethin' doin' I reckon."

At that instant somebody inside the court house fired and Lawyer Marcum fell dead. Sheriff Callahan ran across the street, closed and locked all the court house doors and admitted not a soul all that day. The same night the assassin was smuggled out. But three men had seen him. He was Curt Jett, who had so obligingly slain Dr. Cox as he lay moaning on the ground.

Mrs. Marcum arrived at the court house almost before the smoke of the shooting had cleared away, but her husband had been dead some minutes. "I never felt just right 'bout that Marcum business," Curt Jett admitted later on. "Y' see I was hidin' up in that there cote house while that woman was a-holdin' of her man's head in her lap an' a-takin' on about him."

Judge Hargis, sitting on the stoop of his store just across the street, said he was "plum sorry for that woman," and a few days later when he met her on the street he offered to shake hands with her. She glared at him and marched straight on. The killing of Marcum made a stir even in Jackson, accustomed as it was to the Hargis rule, and Jim Cockrill, long numbered on the opposite side of the fence from the Hargises, was heard to say that he reck'ned he'd hev to take steps.

It wasn't more than a few days later that Curt Jett walked into the hotel dining room where Cockrill was sitting and opened fire on him. Cockrill jumped up and Jett fled. Fighting in the open was a new game to him. Two days later came a clear, sunny day. Cockrill, walking down Main street, crossed the street in front of the court house. As he did so Curt Jett leaned out of an upper window and shot him down with a Winchester rifle. So well known were the circumstances and so general the expectation of trouble that the moment Jett showed himself at the window several voices called to Cockrill to look out. But they were too late. Cockrill fell dying.

Jett leaned out of the window and pumped a few more bullets into the body in the street.

"I want to see him squirm!" he shouted. Cockrill accordingly squirmed, for a few seconds before he died.

Every soul in Jackson knew all about what happened. It was as public as a dog fight. Yet not a move was made to arrest Curt Jett until after troops had arrived. Indeed a young lawyer who told a visiting newspaperman what he had seen begged the reporter to give him time to get out of town before he printed a story about it. He got out of town too and stayed out.

There wasn't any trouble in Jackson so long as the troops stayed. Hargis had given the word and his word was law. Jett was convicted of the murder of Marcum and is serving a life sentence. He confessed his share in the murder and said that Judge Hargis had planned it, but later he repudiated his confession. Hargis never was punished for any one of the many murders of which he was guilty. His standing with the State political machine stood him in excellent stead. Nor did any of his followers in Jackson suffer any loss of property, though more than a score of buildings belonging to his opponents were destroyed in incendiary fires.

When Hargis was tried for planning Marcum's murder his political pull enabled him to have the case set for hearing in the tiny and almost inaccessible town of Sandy Hook. It was twenty miles from a railroad and as the presiding Judge sat on the bench he could look through the open door and see the country road patrolled by a score of Hargis followers armed to the teeth. It was generally believed that if any witnesses against Hargis left the railroad on their way to Sandy Hook they would never be heard of again. At any rate not a witness against him appeared and the Court had nothing to do but instruct the jury to acquit him. But Mrs. Marcum got a judgment for $11,000 against him for damages for the murder of her husband and Hargis paid up only a few weeks before his death.

The night after Jim Hargis was slain by his drunken son Beacher more than one courier rode over the mountain roads carrying the news from cabin to cabin. And it's doubtful if anybody was really sorry.

MRS. HARGIS WILL DEFEND SON.

Boy Now Says Father Tried to Strangle Him—Tried Suicide.

JACKSON, Ky., Feb. 7.—In the front room of the Hargis home here lies the body of the late Judge James Hargis in the mahogany coffin which he had selected a fortnight before his death.

In the Breathitt county jail is the son who killed him, and over all the town is felt sympathy for the mother of the slayer and widow of the slain, who is preparing for the burial of her dead and planning for the defence of the living.

The funeral will take place at noon to-morrow. The body will be buried in the Hargis family burial plot.

To-day Mrs. Hargis sent to Jailer Little asking that her son be handcuffed and brought over to see his father, but this request was denied on instructions from Judge Taulbee.

Young Hargis said to-day that his father had endeavored to strangle him before he drew his pistol. This does not tally with any of the accounts of witnesses.

Last night, it is reported, the boy took morphine in an attempt to commit suicide. Dr. W. P. Hogg was summoned as soon as it was discovered that the prisoner was acting strangely. He had taken only a little of the poison, and was soon resuscitated.

In the house of sorrow besides the widow are her mother, Granny Day, and her mother-in-law, Granny Hargis, each near the fourscore of years. The elder Mrs. Hargis has lost four sons by assassination or violence.

Mrs. Marcum, widow of James B. Marcum, who was killed as a result of the long feud, has nothing to say. Tom P. Cardwell, Sr., aged leader of the opposition to the Hargises, broke down when told of the killing and wept for the memory of the man he had opposed all his life.

EXPEDITING NEW SUBWAYS.

Public Service Board Is Waiting on the Board of Estimate.

Chairman Willcox of the Public Service Commission said yesterday that the prompt action of the Board of Estimate in ordering a public hearing immediately on the proposed Broadway-Lexington avenue subway indicated that there would be no delay on the part of the board in approving the route and that within a comparatively short time the commission would advertise for bids for its construction.

Mr. Willcox said further that the board would undoubtedly be able to advertise for bids for the construction of the Fourth avenue, Brooklyn, line before March. Mr. Willcox said also:

The commission is busy preparing plans for other much needed lines, and these will be announced as soon as they are decided upon. The object is to lay out a comprehensive system of rapid transit covering the whole city, and as fast as the commission can determine upon the lines needed they will be certified to the Board of Estimate and Apportionment.

A subway that will accommodate the large population on the East Side of Manhattan and at the same time furnish additional facilities to The Bronx is the one most needed at present in these two boroughs. The commission believes that the Broadway-Lexington avenue line will meet this need.

The New York Central Railroad Company, replying to the demand made by the commission for an explanation of the discontinuance of the early morning trains on the Putnam division between 155th street and Yonkers, said that the number of passengers carried was so small "that the revenue derived therefrom did not justify the expense incurred in running said trains." The commission will hold a public hearing before deciding whether or not to order the restoration of the early morning service.

BINGHAM'S DECISION REVERSED.

Appellate Division of Supreme Court Orders Reinstatement of Dismissed Policeman.

Commissioner Bingham's action in dismissing John Connolly, a patrolman, a year ago on charges of neglect of duty was reversed yesterday by the Appellate Division of the Supreme Court and Connolly's reinstatement is ordered.

Connolly failed to appear on the first day for which his trial was set, but turned up for the second hearing, when he was charged, in addition, with failure to appear on the first day. He pleaded not guilty and at a private hearing excused himself on the ground of sickness. He was found guilty and the trial deputy recommended a punishment of forfeiture of five days pay.

Commissioner Bingham, on the ground of enforcing discipline, disapproved the recommendation and dismissed Connolly. Commenting on this, and on the fact that no witnesses were sworn and no evidence was taken at the private hearing in Connolly's case, Justice McLaughlin, for the Appellate Division, says in part:

If a hearing afforded to a member of the police force of charges which have been made against him amounts to a matter of form only, then it is possible that the dismissal of this officer can be justified; but if it is as has been generally supposed, to ascertain the truth of the charges by a proceeding in a way recognized by law, then it must be obvious that the relator was improperly removed.

Unless we are to hold that when charges are preferred against a police officer—a copy of which and specifications are served with notice of hearing—that dispenses with a trial, then I do not see how the action of the Police Commissioner can be sustained. I am not yet prepared to go to that extent.

The proceeding must be annulled and the relator reinstated with costs.

All the other Justices concurred with Justice McLaughlin's opinion and decision.

GERMAN VIEW CHANGED.

Now Have More Respect for American Classical Scholarship.

Prof. W. H. Schofield of Harvard, who has been in Germany telling the students some things they were not entirely conversant with about English literature and history, arrived yesterday aboard the Hamburg-American liner Kaiserin Auguste Victoria, from Hamburg, impressed with the usefulness of the plan of exchanging professors.

The Germans, he said, had been in the habit of looking somewhat condescendingly on classical and scientific education in America. The exchange of professors had brought about an alteration of their views. They were now inclined to either look up to the American system of education or regard it as on equal plane with that of Germany.

Other passengers by the Kaiserin were Gustavo di Rosa, Italian Vice-Consul at this port; S. S. McClure, J. Rowland Mix, H. G. McVickar, Baroness von Nordenflycht, wife of the German Consul at New Orleans; Li Fo Ki of the Chinese Legation at Berlin; Michael von Zadera, the pianist; Paul Grosjean, Mrs. Richard C. Kerens, Albert A. Wigand and George O. Willey.

Mrs. Kerens accompanied the body of her daughter, Mrs. Frank R. McKenna of St. Louis.

CRAZY MAN'S DREAM OF RICHES.

J. J. Tulp Gave Big Checks on a Bank Account He Never Had.

MONTCLAIR, N. J., Feb. 7.—An examination of John J. Tulp, the Cedar Grove young man who was arrested here for passing worthless checks in various places in northern New Jersey, brought out the fact that he is suffering from a form of dementia which makes him believe that he is a Napoleon of finance and that he has $240,000 in a bank in Jersey City. He is now in custody at Newark, after being rearrested here on the charge of forgery.

Last week, it has been learned, Tulp entered into a deal with a real estate firm to purchase a $40,000 house and lot in East Orange and engaged a surveyor to go over the property. Tulp gave the real estate firm a check for $1,000 to bind the bargain. The check proved to be worthless. A thirteen dollar check paid to the surveyor for his services was also no good.

Tulp has been committed to the Morris Plains Insane Asylum. His wife, who refused to be separated from him while he was in custody here, has returned to her home in Cedar Grove.

Paying of Certificates.

The New Amsterdam National Bank since it closed its doors has taken up the $300,000 of Clearing House certificates that were outstanding against it. The receiver for the National Bank of North America has taken up $1,000,000 of the $2,200,000 of certificates that were outstanding against it when it suspended.

BLACK HAND EXPERT CAUGHT

POLICE BELIEVE PELLEGRINO MULE TO BE SUCH A ONE.

Was a Bandit Chief in Sicily, and There Are Stories of Heads Cut Off of Those Who Informed on Him There—Took Up Blackmailing Again in New York.

Not since Varsalone, Sicilian bandit, was beheaded in Palermo have the police of either Italy or this country made so important a capture as Lieut. Petrosino and his Italian squad made yesterday. The first bandit chief of southern Italy ever nabbed in New York was picked up yesterday, and Deputy Commissioner Woods is confident the man will be sentenced to a long term of imprisonment on conviction of one of a series of Black Hand outrages here. Since he has been here Commissioner Woods and Petrosino believe he has been engaged in activities connected with the recent outbreak of so-called Black Hand outrages.

The known captain of banditti arrested yesterday is Pellegrino Mule. He is a tall, wolflike Sicilian with almost no forehead and with lantern jaws. Mule was a famous brigand ten years ago, according to papers forwarded to Commissioner Woods by the Italian Government. He lived in the hills near the town of Callabollatta, Girgenti, Sicily. From his retreat he sent demands for money to the more ignorant though well to do residents of Callabollatta and other towns. In response to these demands only three men, it is said, refused money. These three were murdered by Mule's henchmen.

The exactions of the freebooter became so great that the townspeople of Callabollatta began to think death preferable to further extortion. Some of those who knew of Mule and his doings threatened to denounce him. He answered threat with threat and announced that the man who told would have his head chopped off and nailed to a tree on the high road, where everybody could see how Mule treated informers. This quieted his prey for a time.

But Mule's demands for money again became so pressing that a grocer in the town named Pumilia went to the carabinieri, told them of Mule's demands, his exploits and where his hiding place was. The carabinieri set out that night with guides, but a servant girl in Pumilia's house had managed to get word to Mule of his danger. When the carbinieri reached the retreat of the brigand the birds were on the wing to other fastnesses.

The carabinieri kept hunting for Mule and his men. A few nights later Pumilia was taken from his house. In the olive groves on the slopes of the hills about Callabollatta he was thrown to the ground, and with three swings of the axe his head was off. The next day it appeared nailed up to the tree in the highroad. This is vouched for in the transcript of Mule's record sent on by the Italian police.

A few days after this a wealthy merchant names Dagostino was kidnapped and held in 20,000 lire ransom. This was paid to Mule's band. Mule thereupon gave a small part of this to his men, and as things were getting pretty hot they broke up and emigrated by indirect ways to this country and South America.

The Italian mode of operating against brigandage is illustrated by what happened then. The authorities tried Mule in absente contumelio, or as a man of bad record who had escaped from Italy. He was convicted and sentenced to life imprisonment if he ever returned to Italy.

Mule got into New York several years ago, Commissioner Woods and Petrosino believe, and for some time lived peaceably, changing his name and keeping a bake shop in various parts of the Italian quarter. But his old habits, Petrosino believes, came back. His identity became known. Yet with the invariable closemouthedness of the lower class Italians no one peached on him.

A brother-in-law of Mule's was the indirect cause of his arrest. This man, named Trassicanti, keeps a barber shop in a tenement at 633 First avenue. He began to receive the threatening letters, and refusing to give up a bomb was thrown into his shop on December 23 last. Trassicanti, who had learned some thrift and courage here, complained to Petrosino. It was discovered, Petrosino said, that the sender of the letters was no less a personage than the notorious Mule, Trassicanti's brother-in-law.

The barber's son, Callogero, a youth of 20, is suspected of having assisted Mule. The two men were arrested in Mule's bake shop, at 337 East Thirty-second street.

The Italian police squad found an interesting impression of a letter in Mule's shop shortly after the explosion. "Dear Friend," runs the translation, "this will be our last letter. Be careful and do not fail to come on Saturday night at the same place and bring the sum that you know. Be cautious and don't forget that this will be of small importance (to what would happen unless the receiver obeyed). You know you—that this time you have got to obey."

Here the impression became illegible. The usual Black Hand symbol, however, was at the bottom of the letter. Both men were held for examination in the Tombs court.

NO SUCCESSOR TO LANTRY YET.

Mayor in No Hurry to Act—Investigation to Continue.

Mayor McClellan said yesterday that he would not decide until next week who will succeed Frank Lantry as Fire Commissioner, and added that the many reports which were being circulated and which pretended to give the name of the new Commissioner were based on speculation only, and bad speculation at that.

Commissioner of Accounts Mitchel said yesterday that the wider investigation of the Fire Department would be begun in about two weeks. He said that experts employed by the Merchants Association and the New York Board of Fire Underwriters were making a thorough investigation of the equipments and conditions generally, and that in doing this work the experts were really acting in a semi-official capacity and that their reports would form the foundation for the inquiry of the Commissioners of Accounts. Mr. Mitchel said that as soon as these reports were received the investigation would be resumed.

TO COMPETE WITH EDISON CO.?

Long Acre Electric and Power Co. Seeks to Be a $60,000,000 Concern.

The Long Acre Electric and Power Company, a small concern that was formed about two years ago for the ostensible purpose of supplying electric lighting to the theatres in the territory of Long Acre Square, apparently is contemplating becoming a competitor of the Edison company. The Long Acre company applied yesterday to the Public Service Commission for permission to issue $10,000,000 of preferred stock and $50,000,000 in bonds.

When the company applied to the city authorities for a franchise it asked also for the right to lay its wires in conduits which were built by the city. The courts held that the company might use the conduits. John C. Sheehan is one of the men who are actively interested in the development of the company. The company has a small plant in operation at Forty-seventh street and Second avenue and is supplying current to a few customers.

Chicago Takes $3,000,000 of Railways Co. Bonds.

CHICAGO, Feb. 7.—Banks and other La Salle Street interests are reported to have subscribed for $3,000,000 of the Chicago Railways Company's twenty year 5 per cent. rehabilitation bonds, which the National City Bank of New York and N. W. Harris & Co. have agreed to underwrite.

Light—but nutritious
Plain—yet delicious
Eat all you want of them
Eat all you can of them
Uneeda Biscuit
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LAWYER ACCUSED OF PERJURY

GLASER THE SECOND PRISONER IN KISSENA PARK CASE.

He's the Queens County Man Who Said He Got $66,000 Commission on the Sale of 87 Acres to the City—$5,000 Bail Given—Case Put Over Until Feb. 27.

George L. Glaser, a well known Queens county lawyer, living at 4 Maple street, Corona, L. I., who in a published interview some time ago acknowledged that he got $66,000 as his commission from the sale of eighty-seven acres of swamp land, known as Kissena Park, to the city for more than $500,000, was arrested yesterday on a bench warrant returned on an indictment accusing him with having committed perjury before the Grand Jury that investigated the park scandal. This was the second arrest for perjury growing out of this investigation. The first was made on Tuesday, when John Welz, a wealthy brewer of Brooklyn, was taken into custody on charges of perjury and presenting a fraudulent document in evidence.

Yesterday morning Mr. Glaser, accompanied by William Winkler of Far Rockaway, who was prepared to go on his bonds, walked into the office of Sheriff Herbert S. Harvey in the Administration Building in Long Island City. A few minutes later the visitors and the Sheriff boarded a trolley car for Flushing, where they went before Justice Jaycox of the Supreme Court. Deputy Attorney-General Nathan Vidaver, who has been conducting the investigation, was not present and Mr. Glaser was not called to plead until about half an hour later, when Mr. Vidaver entered. He was followed by Brewer Welz, who with his personal counsel, Edward Kaufman of Brooklyn, appeared to plead. Ex-Assistant District Attorney James W. Osborne of Manhattan appeared for Mr. Glaser.

The lawyers waived the reading of the indictments and pleas of not guilty were entered. Glaser gave bonds in $5,000 with Mr. Winkler as surety. Then Mr. Osborne asked for three weeks time in which to examine the indictments and enter a demurrer or take such other action as they might deem proper. Mr. Vidaver was willing to give them until February 27, saying that the Grand Jury probably would be discharged on February 28 and that he wanted to know a day in advance just what action the defendant's lawyers might take before the jury was dismissed.

Justice Jaycox directed that an attachment issue against a man who fled after having been served as a witness in the investigation. In defending the action of the men who kept out of reach of the Grand Jury's inquisition Mr. Osborne said:

"Personally if I were the men in question I would not go before that Grand Jury and testify. Why, your Honor, the other day they had a man before the Grand Jury and he was examined and cross-examined and now he is under indictment for perjury."

"Because a man is summoned before the Grand Jury and examined and cross-examined," said Mr. Vidaver, "that is no reason why he should commit perjury. Do you agree with me on this point?" Mr. Osborne nodded.

It developed in the controversy that several residents in Queens were unwilling to appear before the Grand Jury and testify, which caused Justice Jaycox to quote: "Thus doth conscience make cowards of us all."

On leaving the court room Mr. Glaser declined to discuss his arrest. He said he had not read the indictment.

Immediately following the consolidation of the various cities and towns in Greater New York Mr. Glaser was indicted in connection with Joseph Bermel, now President of Queens, in connection with a financial transaction which occurred in the town board of the old town of Newtown, of which Mr. Bermel, who was supervisor from that town, was a member by virtue of his office, while Mr. Glaser was counsel to the board. Failing of conviction on trial the indictments were dismissed.

CHLOROFORM ROBBERS, MAYBE.

Varnisher and Janitor Gathered In and Believed to Be the Men.

In the arrest of Jacob Hess, a varnisher of 337 East Twenty-fourth street, and of Albert Mauer, who is janitor of the building at 55 Seventh street, both of whom were locked up at Police Headquarters last night charged with being suspicious persons, the police think they have got hold of the "chloroforming burglars" who have been making life miserable for the householders of Gramercy Park. The complaint against the men was made by Mrs. Rebecca Rehmer, whose husband is landlord of the Seventh street building where Mauer is janitor and where the Rehmers themselves live.

Mrs. Rehmer declares that on June 22 last somebody broke into her apartment and made off with a $700 earring, which she had had pinned to her nightgown, after chloroforming both herself and her husband. Last Wednesday the chloroform method was tried on the Rehmers again, and this time Mrs. Rehmer concluded that the thief must be Mauer, who could get into the apartments by means of his pass key.

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COURT SCORES "THE FAYS."

No Protection in Equity for Persons Deceiving the Public.

"Equity does not bind rogues," says Justice Houghton, referring to fortune tellers and other persons deceiving the public with pretensions to occult powers, who came in for a scorching yesterday in a decision rendered by the Appellate Division of the Supreme Court.

The decision reverses a judgment granting to John T. Fay and Mrs. Fay a permanent injunction restraining two former employees from using the name "The Fays" to advertise performances given by them in which they expose the tricks of the Fays.

The Fays give a performance in which Mrs. Fay, blindfolded, bound to a chair and covered over with a cloth, pretends to answer intimate and personal questions written by members of the audience on slips of paper passed around by ushers who, however, would tear the slip off the pad and leave it with the writer. The performance, aided by various mechanical and light effects, was certainly mystifying to the average person, but Herbert Lambourne and another employee, having fallen out with the Fays, came forward and showed how telephonic and other signals, including carbon paper devices, were used to delude the public.

The Fays complained that their business was being ruined by this exposure and got a permanent injunction. In reversing this Justice Houghton for the Appellate Division says:

The situation disclosed is such that equity should not interfere at all. The plaintiffs are engaged in deceiving the public, and the most entertaining part of their performance is in effect fortune telling. In such a business they can get no property rights in a name or appellation which a court of equity will protect. The property right which the plaintiffs assert they have in the term "The Fays" and which they would have if their business was without deception is similar to the right to the use of a trade mark. Equity will not interfere to protect a party in the use of a trade mark where the name or phrase as such is intended and calculated to deceive the public. A party invoking the aid of equity to restrain the infringement of a trade mark must himself be free from fraud in his representations to the public.

Persons who pretend to tell fortunes are defined to be disorderly persons. The pretence of occult powers and the ability to answer confidential questions from spiritual aid is as bad as fortune telling and a species of it, and is a fraud upon the public.

It is no answer that no one ought to believe the pretences. It is the half doubt and the half belief of a certain class of people that make and hold the audiences. If every one wholly disbelieved curiosity would soon be satisfied and the entertainment lose its attraction.

All the Justices concurred in reversing the court below.

NO WORD FROM LIGHTSHIP.

No. 85, at Nantucket Shoals, Has Not Answered a Wireless Call Since Thursday.

NEWPORT, Feb. 7.—Nothing has been heard from the Nantucket Shoals Lightship No. 85 since early Thursday morning and there is some anxiety at the naval station here to-night. The inspector of the second lighthouse district has been notified of the lack of communication by Commander Albert Cleaves, in charge of the naval station, and if nothing is heard from the ship by to-morrow morning it is probable that one of the lighthouse tenders will be sent from New Bedford to see what is the matter.

No. 85 is the new lightship and has been on her station only one week. Communication is usually kept up with the wireless station here day and night, all passing ships and steamers being reported as they go by the shoals. Thursday morning the operator on the lightship reported some passing boats, but since then nothing has been heard from him and no answers received to repeated calls from the naval wireless station here.

It is not believed that anything has happened to the lightship but that there has been some breakdown of the wireless apparatus.

No. 85 is in command of Capt. F. S. Doane and has a crew of seventeen men.

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