the shooting while Wall went through the dead detective's clothes, and when the precinct man drew from Goldhammer's pocket his gold shield, handcuffs, police whistle and the revolver, which had not been removed from the holster in his right pocket, Byrnes never moved.

"He may have been a policeman," he said after a pause, "but I assure you I really took him for a burglar. He broke into my place, followed me right into the bedroom and tackled me, and when there was nothing left for me to do I managed to get my revolver out of the bureau drawer during the struggle I had with him and let him have a bullet. It was me or him, and all the time I thought he was a burglar."

McLaughlin sent in a call for the reserves, and the police had a trying time quieting the other tenants. Byrnes announced that he had ample time to escape if he thought necessary and if, as the police suggested, he had killed Goldhammer in cold blood, knowing he was a detective. With perfect calmness he recited again and again the story of the shooting, steadfastly adhering to the story that he believed he had shot a burglar. The precinct men, the Central Office detectives, First Deputy Commissioner Baker, Fourth Deputy Woods and Capt. Arthur Carey of the homicide bureau at Police Headquarters failed to break his story. Then came Assistant District Attorney Ward, who had been to the scene of the shooting, and in Capt. Cooney's office he put Byrnes through a questioning that shattered his story in parts. While his statements to Mr. Ward conflicted, he remained cool throughout, and when discrepancies were pointed out in his tale he shrugged his shoulders and had nothing to say.

Byrnes, who is 29 years old, admitted that he was an opium fiend, but added that of late he had been trying to break the habit and for several months had been taking medicine, of which opium was one ingredient, and was fast succeeding. He contracted the habit in an opium den in Pell street, he said, and since he had been trying to cure himself he occasionally indulged in a smoke to overcome the craving.

Up to eight months ago he had worked intermittently as a bartender, but he had no need to worry, as his wife Lizzie, a Jewess about 30 years of age, had profitable work as housekeeper of the Mecca Hotel, at Twentieth street and Third avenue, and between the two they managed to make ends meet. That they were in comfortable circumstances was evidenced by the cosey apartment, tastefully and neatly furnished, which they occupied.

While the police failed to find Byrnes's picture in the rogues' gallery or any record of him as a crook, they still believe that he has been a member of the Humpty Jackson and the Monk Eastman gangs, of both of which the leaders are now in Sing Sing. Furthermore they say that Byrnes has been mixed up in the policy game in one way or another, although as far as they know he has not been arrested since he and his wife were arrested in 1901 for stealing $400 from a man who was held up. They were brought to Headquarters at that time, but the police got no conviction against them and nobody in the Detective Bureau, with the possible exception of Goldhammer, could really tell what Byrnes has been doing.

Byrnes admitted to Assistant District Attorney Ward that he knew members of the Humpty Jackson and Monk Eastman gangs and had a number of acquaintances and friends who were in the policy game, but he vehemently denied that he was mixed up with any of them and held to his story that he tended bar when he worked. He pointed to the fact that his wife was working and advanced that as a reason why he should not have recourse to anything dishonest.

Among the effects found in the Byrnes apartments were thirty or more pawn tickets for jewelry and other articles, about which Byrnes refused to talk. This led the police and Assistant District Attorney Ward to believe, as has been suspected, that Byrnes has been the receiver for the plunder taken by the Humpty Jackson gang, the members of which for many months preyed on the American Express Company.

It was Goldhammer who settled Humpty Jackson in Sing Sing, and the police say that if Byrnes is identified with the Humpty mob it will tend to show a motive for yesterday's shooting. Goldhammer and his partner, Lieut. Joe Bedner, got a couple of thieves coming out of a pawnshop on First avenue and tailed them until they got them right. When taken to Headquarters they confessed, and armed with this information Goldhammer nabbed Humpty and had him indicted and sentenced to five years.

While Byrnes denied any connection with the policy game the police said last night that they believed he had something to do with the syndicate, the headquarters of which were raided less than two weeks ago. Goldhammer, who was a telegrapher, was instrumental in breaking up the headquarters of the syndicate which held forth at the Bowery and Bond street and caught the men who are now awaiting trial.

William Kent, who for years has been in the policy game, was associated with George Henry, now under arrest and said to be the man who has run the syndicate, supplying retail shops throughout the country with daily drawings. Kent had some argument with his associates and started a policy syndicate on his own hook. Bent on revenge, the policy men framed to do him, and on the night of December 21 last his home, at 67 St Nicholas avenue, was invaded by three men and he was beaten into unconsciousness. Three men were accused of this assault, Jules Morelli, Bill Hallahan and Big Relihan, and the following night, when Relihan was shot in a fight in the Bohemia, on West Twenty-ninth street, he turned informer to the police in Bellevue Hospital. Hallahan and Relihan are now under arrest, while Morelli got away. The police think that Goldhammer may have received a tip that he could be found in Brynes's apartments yesterday.

Mrs. Caroline Kuhl, who lives on the third floor of the tenement where the murder was committed, says that she saw the two men standing on the threshold of the door and heard them in a wordy argument. While passing through the hallway she said she saw Goldhammer go in, as if bidden to enter, but saw nothing of any scuffle. On the other hand Byrnes maintains that the detective forced his way into the kitchen and pursued him into the bedroom. Again others in the house told Assistant District Attorney Ward that they saw Byrnes on the fire escape in the court separating the adjoining house and when he saw the windows above crowded with people who had heard the shot he went back into his rooms. He denied that he was on the fire escape.

When Policeman McLaughlin and Detective Wall reached the apartments there wasn't any sign of a struggle. The three rooms were in perfect order. Goldhammer was lying between the foot of the bed and a dresser. Byrnes, who told of a battle with the man, said he wrestled in the bedroom with the stranger and only shot when he felt that his own life was in danger. He said Goldhammer grabbed him and they fought around the room and during the fight Byrnes by some movement he couldn't explain thrust his hand into the bureau drawer and seized his revolver. Goldhammer had hold of him then, he explained, and it was only when he saw the stranger move his hand as if to draw a revolver from his hip pocket that he shot. They were then locked in each other's grasp, and the first thing he knew the revolver went off.

During his examination by Mr. Ward he contradicted himself several times on this point. Once he said that during the struggle he pressed the trigger several times until a shell exploded, and again he said that he had only touched it once. It was found that the revolver contained two shells, only one of which has been exploded.

There was a slight scratch on Byrnes's face which he said he got in the encounter with Goldhammer, but neither his clothes nor the rooms gave any evidence whatever of a struggle.

After the prisoner was questioned for more than four hours in Capt. Cooney's office he was taken down to Police Headquarters and locked up charged with murder and held without bail. His wife Lizzie was found by Detective Heaney and taken to the station house, but Mr. Ward allowed her to go on her promise to appear at the District Attorney's office to-day.

It was said at Police Headquarters last night that Goldhammer had expected to find some stuff that had been stolen from the Adams Express Company in Byrnes's home, and also wanted him to shed some light on his interest with the policy game.

Mrs. Goldhammer, who lives at Grant avenue and Middleton Road, Westchester, with the murdered sergeant's mother and his sister, arrived at the East Sixty-seventh street station last night. She has four children, the youngest a four months' old girl.

Deputy Commissioner Hanson said yesterday that Goldhammer was one of the most conscientious and resourceful detectives in the Central Office.

Goldhammer's body was removed to the Morgue at the order of Coroner Harburger. He was appointed to the department thirteen years ago and got honorable mention, and a medal in 1901 for saving a man from drowning. He was promoted to a sergeantcy only two weeks ago. He was born in Hungary thirty-five years ago.

WOMAN'S COLLEGE BEQUESTS.

Hamilton and Barnard and Columbia University to Receive About $50,000 Each.

UTICA, Feb. 19.—It is announced that Hamilton College will receive about $50,000 in the form of a bequest made by Mrs. Annie P. Burgess of New York city. Mrs. Burgess died about three years ago, leaving for educational and charitable purposes upward of $200,000. This included $10,000 to Columbia University to defray the tuition and expenses each year of two deserving young persons of Christian character who may be unable to pay thier owrt expenses. She also gave a similar sum to Barnard College for the same purpose. After making some other specific bequests she left the remainder of her estate to Hamilton College, Columbia University and Barnard College.

Col. John Vrooman of Herkimer, one of the executors of Mrs. Burgess's estate, has just concluded the sale of seven pieces of real estate in New York city belonging to the late Mrs Burgess, on which he realized $199,250. The estate is subject to the life interest of Dr. D. M. Burgess, the husband of Annie P. Burgess, and it will then be divided equally between Hamilton College, Columbia University and Barnard College. It is believed that at least $50,000 will go to each institution.

MISS IRWIN QUITS RADCLIFFE.

Dean Announces Resignation Without Notice—Will Take Long Vacation.

BOSTON, Feb 19.—Announcement was made this morning to the students at Radcliffe College that Dean Irwin had sent in her resignation to take effect on September 1, 1909. The news was a complete surprise to the students as no hint of Miss Irwin's intention had reached them.

Miss Irwin was appointed to her present position in September, 1894, when Radcliffe College became a distinct institution and was no longer known as the "Harvard Annex."

Miss Agnes Irwin is the daughter of the Hon. W. W. Irwin, who was a Congressman from Pennsylvania. Her first teaching was in the private school of Mrs. Hoffman in New York and afterward she conducted a school of her own in Philadelphia.

The Western University of Pennsylvania conferred on her an honorary degree in 1895, the University of Pennsylvania gave her the Litt. D. degree three years later and St. Andrews made her an LL. D. in 1906.

Under her leadership Radcliffe College has taken its place in the front rank of American colleges for women. Her plans for the future have not yet been divulged but it is supposed that she resigns in order to take a long vacation for rest and travel.

TO RAISE A FUND OF $2,000,000

For the Benefit of the Methodist Church Throughout the United States.

UTICA, Feb. 19.—An organization to be known as the Methodist Episcopal Foundation Fund Association has been launched among some of the prominent churchmen in the Northern New York Conference and eventually it will become a $2,000,000 corporation, to be used for the benefit of the Methodist Church throughout the United States. The plan includes the cooperation of seventeen laymen and eight ministers and will be presented to the Bishops of the denomination for their sanction before being adopted.

The officers of the association are: President, James P. Lewis of Beaver Falls; vice-president, George W. Sanborn of this city; secretary and treasurer, William Brainard of Waterville. It is proposed to organize a trust company under the laws of the State of New York, to hold the $2,000,000 accumulated in trust, the income to be distributed to various needy churches and among the industries of the church. The plan also contemplates reinvesting one-tenth of the income each year to provide against shrinkage, the balance to be divided among the annual conferences in proportion to amounts they shall contribute. Among the various benevolences to benefit by the plan will be foreign and home missions, board of Sunday schools, board of education, freedman's aid, church extension and women's home and foreign missions.

GOLD TO SOUTH AMERICA.

Heidelbach, Ickelheimer & Co. Engage $700,000.

Heidelbach, Ickelheimer & Co.'s engagement of $700,000 gold for Argentina, announced yesterday, makes a total of $9,350,000 shipped to South America since January 1. Of this amount $2,700,000 has been taken this week.

Berlin cables say that $1,725,000 in gold was withdrawn from the Imperial Bank of Germany for shipment to Argentina for the account of English bankers.

New Parochial School for The Bronx.

Plans have been filed with Building Superintendent Reville of The Bronx for a new three story parochial school to be built on 139th street west of Cypress avenue for St. Luke's Roman Catholic Church, of which the Rev. John J. Boyle is rector. It is to be of ornamental brick and stone from designs by John E. Kirby as architect and will have a frontage of 90 feet and a depth of 98 feet. It is to cost $90,000.

Correct Dress for Men

All Winter Overcoats and nearly all Suits are now on sale at reductions of $5 to $20 from former prices.

A few Raincoats and Spring Overcoats are included.

George G. Benjamin
Broadway, Cor. 26th St.

TAFT DINES WITH KNOCKERS

JOLLY CLUB MAKES FUN FOR PRESIDENT-ELECT.

Double of the Real Taft Sits Facing Him and Receives the Gibes and Jests Meant to Reach the Guest of Honor—Local Hit Playlet to Top Off the Fun.

CINCINNATI, Feb. 19.—"Mister" William H. Taft became a "Knocker at sight" here in Cincinnati to-night, but he had more fun than a small boy watching a cage of monkeys.

The Knockers, be it known, include Cincinnati's most prominent business men and are ruled over by an anonymous individual who modestly signs himself "The Invisible Knox."

The orders that the Invisible One issued at the dinner to-night and the "stunts" that he pulled off made the President-elect laugh till he could scarcely eat.

At the same time Mr. Taft appreciated that the Knockers—friends of his boyhood days—were in their own peculiar way saying good-by to him as a private citizen for at least four years.

Mr. Taft thought he ought to acknowledge this sentiment with a little speech. He got up and started to talk, but another "Mister Big Bill Taft" who sat at a table opposite with Uncle Sam and Miss Columbia arose in all the majesty of his 300 pounds and inquired with some heat just where the real Mr. Taft got on.

The bogus Mister Taft would have it known that if there was to be any speech-making he was the person who would do it. He would brook no attempt by any "interloper." The President-elect sat down properly squelched, and for the rest of the evening he listened to himself or rather his likeness telling the diners what a fine time the President-elect was having.

The dinner was served in the Business Men's Club. The Knockers, 100 strong, all gathered there at 8 o'clock and had a handshaking bee with Mr. Taft. Half an hour later a waiter stepped into the reception room and announced: "Dinner is served."

Nine veteran Knockers, one of them made up to represent a typical American business man, led the way to the dining room with Mr. Taft. As Judge Taft entered the dining room he was confronted by "Mister Taft," his likeness, dressed in evening clothes which matched the real Taft's down even to the white waistcoat and pearl cuff buttons.

One glance at the "Impostor" and the President-elect let out a laugh that must have startled the cab horses in the street. "Mister Taft" followed with one almost as hearty, and then turning to Uncle Sam and Miss Columbia he led the way into the dining room behind Smittie's brass band. The nine selected Knockers with the real Taft and the other members of the club, many of them made up to represent different countries, trooped in behind.

Miss Columbia wore a silk skirt with red and white stripes, a waist of blue with white stars worked on it and a diadem of thirteen cut glass stars.

In the procession as it filed into the banquet hall were a Heidelberg student to represent Germany, a regulation Johnny Bull, a Cossack for Russia, a Turk with baggy red trousers, fez and whiskers, a Persian soothsayer emblazoned with the emblems of Oriental orders, envoys from Cuba and the Philippines in white duck, a Tyrolean huntsman in gray and green coat and alpine stock, a French army officer, a Japanese in native costume and a Dutchman with his loose trousers, brown stockings and wooden shoes, a toreador from Spain resplendent in black satin knickerbockers, red sash, white frilled shirt, white stockings and patent leather slippers.

The real Taft with his escort of nine Knockers had the table of honor at the centre of the hall. Next to it was the table occupied by the bogus Taft, Uncle Sam and Miss Columbia. The fake Taft sat directly opposite the President-elect and stared at him through most of the feast. The President-elect let out a whoop that almost broke up the banquet every time he took a look at "himself."

Representatives of the various countries presided over the tables. Each table was spread under a canopy of the colors of the country it represented. These canopies were lighted by miniature electric bulbs and presented a glorious sight. Under the yellow field of Japan sat the Japanese with half a dozen of his Knocker friends. Under the British flag Johnny Bull with his American cronies hit it up, and so on with the French, Swiss, Turkish and other colors.

Each table was decorated also with the favorite flower of the country which it represented. There was the rose of Persia, the corn flower of Germany, the edelweiss of Switzerland, the rose, shamrock and thistle of Great Britain, the lotus of Turkey, the hybiscus of the Philippines, the poinsettias of Spain, the lilies of France, the chrysanthemums of Japan, the sunflowers of Cuba, the tulips of Holland, the wheat stalks of Russia. The walls of the banquet hall were coverd with the American flag trimmed with smilax.

The diners seated, Uncle Sam arose and gravely announced that "Now, as always, the Knockers will begin with a song," whereupon Mr Taft listened to his other self and the entire band sing this to the tune of "Marching Through Georgia":

We are a band of Knockers here, who Knock with all their might
To straighten out the things we know are not exactly right;
We knock the bad and boost the good till it is out of sight,
While we are knocking for glory.

Chorus:

We'll knock, we'll knock when anything goes wrong;
We'll knock, we'll knock, we'll knock both loud and strong.
To keep things going right and smooth we knock with speech and song
While we are knocking for glory.

Another verse ran:

When to knock and when to boost, we always solve the rub,
We bring a good man to the front and sit down on the dub.
We're heart and hand for all that's grand, for nation, town and club
While we are knocking for glory.

After that one of the chief Knockers tied down a big safety valve. There was a hiss of escaping steam and the fun was on. A band of troubadours entered. After marching round the room they brought up at the table where the real Taft was seated. There they relieved themselves of a song of welcome which was vigorously applauded by "Mister Taft" at the other table. One verse of the song ran:

Switzerland and Spain and France to a man
With stolid old Holland and far off Japan
Congratulate Taft; may his rule be God blest
And may he rule well, with spirit and zest.

The troubadours gone, enter a great big pair of black pants, with suspenders dangling. The pants had no eyes, but they did have feet and they walked right down to the table where Uncle Sam sat. A Russian officer stepped out from behind the pants and bowing to Uncle Sam, sang:

These pants, you see, from creases free,
From seat to knee, you must agree
Are strong in seam and wide of beam
And large both fore and aft.

These pants he wore on Russia's shore,
These pants he tore and then he swore;
He mildly swore and then some more,
And then she laughed, did Taft.

This of course was a takeoff on the unfortunate accident that happened to Mr. Taft's trousers when he was about to call on the Czar in Russia. The officer continued to recount in song how, "amidst the din, through a safety pin, the way paved, the hour was saved and Taft was spared a fluke."

An envoy from the German Emperor entered with a commission to kiss "Mister Taft" on each cheek, just as Wilhelm greeted King Edward recently. The envoy not only gave the bogus Taft two hearty smacks, but he included Miss Columbia in his commission.

Great Britain appeared at the table where the fake Taft was seated leading a "real Irish cook." Johnny Bull wanted to have her do the White House cooking, but the Irish cook had something to say on that proposition for herself. She consented to take the place only after she had told "Mister Taft" in black and white what he could and what he could not do around the House.

A Persian wise man entered and felt the bumps on the bogus Taft's head. The wise man read the bogus Taft's thoughts as follows:

"He is just now congratulating himself that he was made a Mason at sight and so is the goat.

"He is trying to discover some word to use instead of de-lighted.

"He wishes he could find a caddy who wouldn't laugh when he makes a drive.

"He is now recalling the day when he played the *Sleeping Beauty* at Pike's Opera House and was kissed by *Prince Charming*—it was then he acquired the habit of displaying his pearly teeth in a seraphic smile.

"He wonders if a union cabinet maker ought to work over eight hours a day.

"He would like to hire a hen to lay cornerstones for him.

"He resolves in the tariff war to lead the charge up to the very Cannon mouth.

"I read this mysterious message flashing repeatedly through his mind: G X L C, G X L C. What? Again? Damn it!"

"G X L C" was a cry invented by those on the Taft campaign train, meaning "great excitement among the local committeemen."

As the Persian wise man recounted the pranks of Taft's law school days the smile on the bogus Taft grew and grew and grew. Then the wise Persian began to read the future. He saw on the retina of his dreams a remarkable future for Taft—a future that would eclipse—

But the Persian's speech was interrupted by the creaking of the buttons on the bogus Taft's shirtfront. The fake Taft's chest was swelling right before the eyes of the diners. One of the Chief Knockers jumped up and called on all presidents in the room to stand up. Eighty-seven of the 100 diners—presidents of banks, corporations, Sunday schools, improvement associations, ward clubs and other organizations—jumped to their feet. The real Mr. Taft remained seated. When the Chief Knocker remarked: "You see there are others, Mister Taft," the chest of the Taft likeness collapsed.

The real President-elect had a great laugh, which broke out again when he saw that his other self had lost two of his waistcoat buttons through the chest swelling.

Several Filipinos brought in a fake horse and started to present it to the "Mister Taft." When the bogus Taft arose to accept it the horse, recognizing him for the first time, gave a cry of terror and raced from the room.

A huge pineapple was borne in by half a dozen waiters, and as Uncle Sam opened it a little naked ten-year-old Cuban stepped out waving a Cuban and an American flag and singing a Cuban song.

At the conclusion of the dinner the American Citizen who was seated at the Taft table arose, and taking an American flag from the wall advanced to the table where Uncle Sam and Miss Columbia sat, saying:

Kings have sent from other lands
Intrinsic gifts to Taft to night.
The gift I bring for freedom stands
For freedom, honor and the right.
Take it, Miss Columbia, take it;
Upon its folds imprint a kiss.
The proudest flag on earth he'll make it,
For Taft loves nothing more than this.

This was followed by darkness and a crash of thunder running finally into music. As the lights were turned on again Smittie's Band was blowing away on the "Star Spangled Banner," and Mr. Taft was declared to be a full fledged Knocker.

One of the most interesting features of this remarkable dinner was the entrance of the waiters. The first one bore a little cub bear, the second a live possum the third a roast pig, the fourth a turkey and so on.

After the dinner the Knockers and their guest of honor marched behind the ever present Smittie's Band to the auditorium of the Business Men's Club. There Mr. Taft was treated to moving pictures and stereopticon views of himself and finally to a play staged by the Knockers.

The play was called "The Surprise Party." It was a takeoff on notification day in Cincinnati and full of local hits which the President-elect appeared to enjoy as much as anybody. At one stage in the show a cannon loaded with toy balloons, each bearing a picture of Brother Knocker Taft and a small flag, was fired at the audience. The cannon was charged with compressed air. The balloons sailed around the auditorium for half an hour or more and the President-elect enjoyed the efforts that were made to catch them.

There was one scene in the show that represented little Willie Taft forty-seven years ago out at the front gate of the Taft house buying tickets from the milkman. The last act showed the Charles P. Taft house and the troubles of Brother Charlie with 6,000 visitors trampling down his shrubbery and 600 inviting themselves to lunch at his home.

All was happiness for Charlie though, when Brother Bill arrived in golf togs and carrying an immense driver. Bill was properly surprised when told of his nomination, also incredulous, but finally agreed to accept, pulled a typewritten speech out of his hip pocket and began to read. The speech was interrupted with cries of "Hurrah for Bryan!" "Ain't it awful, Mabel!" the tooting of whistles, the clanging of bells and a few other noises against which Mr. Taft had to contend on ratification to-day.

The President-elect left the business men's club declaring that he had had one of the best times of his life.

TAFT WANTS TWO MORE MEN.

To Fill Out Cabinet—Herrick Won't Do—May Take MacVeagh.

CINCINNATI, Feb. 19.—Arthur I. Vorys, who was Mr. Taft's chief of staff in the campaign, called on the President-elect to-day and urged the pretentions of ex-Gov. Myron T. Herrick for Secretary of the Treasury. Walter Brown, chairman of the Ohio Republican State committee, went along with Mr. Vorys.

The visitors did not make much headway for Mr. Herrick. As a matter of fact Mr. Herrick's chances of becoming a member of the Taft Cabinet are extremely slight. Mr. Taft, it is understood, will have no one in the Treasury portfolio who has had even a long distance connection with Wall Street. It is said that Mr. Taft prefers a lawyer who has had some business experience for the post.

It was learned to-day that the Treasury portfolio and the post of Secretary of War are the only two remaining open in the Taft Cabinet.

A good deal of significance is attached here to the publication this afternoon in the *Times Star*, Charles P. Taft's paper, of a picture of Franklin MacVeagh of Chicago as a possibility for Secretary of the Treasury. Mr. MacVeagh is a brother of Wayne MacVeagh. He was a lawyer, but for several years has been in the wholesale grocery business.

Charles Nagel of Missouri called on Mr. Taft to-day. It is believed that a formal tender of the Commerce and Labor portfolio was made to him. It has been known for some time that Nagel was Mr. Taft's selection for this post.

Mr. Taft spoke this afternoon before the Cincinnati Chamber of Commerce. The rules of the Change were suspended during Mr. Taft's visit and the general public was invited on the floor to hear him. A big crowd turned out. A committee from the Chamber met Mr. Taft at the Sinton Hotel. They were clad in frock coats and wore high hats. As Mr. Taft stepped into the Sinton Hotel to meet them he was stopped by three poorly dressed men who said they represented a committee of the unemployed in Cincinnati. They meant to know whether Mr. Taft was going to do for them and asked permission to come and see him. He gave his consent.

Mr. Taft was warmly received by the members on the floor. He spoke first of his boyhood associations in Cincinnati and then turned to the needs of the city.

A committee from the Toledo Yacht Club called on Mr. Taft to-day with designs of three trophies. He selected one of them and will present it to the club, to be contested for in catboat races. The gift is partly in recognition of the favors which Mr Taft had at the hands of this club while he was at Middle Bass Island last summer.

Mr. Taft will leave this city at 3 o'clock to-morrow afternoon for Philadelphia, where he will be the guest of Dr. S. Weir Mitchell over Sunday and deliver an address at the University of Pennsylvania on Monday. He will probably meet Senator Knox and National Chairman Hitchcock while he is in the Quaker City.

CAN'T GARNISHEE AN INCOME

From Trust Fund Created Before the Law Became Effective.

The Appellate Division of the Supreme Court decided yesterday that section 1391 of the Code of Civil Procedure, commonly known as the "garnishee law," does not have a retroactive effect and cannot be used to attack incomes or profits from trust funds which were created before the law went into effect in 1903 or as it has since been amended in 1905 and in 1908.

The decision, which is unanimous, reverses an order by Justice Truax at Special Term in which he refused to set aside a garnishee order granted by Justice Seabury against the income of George Kemp. This income amounts to $125 a week and is derived from a trust fund created by his father, George Kemp, who died in 1893. The fund amounts to $150,000, and the New York Life Insurance Company is the trustee.

Jeannette Demuth obtained a judgment against Kemp in Kings county in May, 1902, for $41,324. An execution against Kemp's property was returned unsatisfied and in February, 1904, Mrs. Demuth assigned to Sadie Alexander a one-third interest in the judgment.

Last December Louis Alexander, appearing as counsel for Mrs. Demuth, obtained from Justice Seabury an order garnisheeing 10 per cent. of Kemp's trust income, or $12 50 a week, to be applied on the judgment. The order was granted ex parte and without notice to the attorneys for the New York Life Insurance Company, who moved to set it aside, and on this motion being denied took an appeal.

Justice McLaughlin, writing the Appellate Division's opinion, says that the trust created by Kemp's father was a valid one and took effect several years before the garnishee act became a law. The Legislature was therefore powerless, he says, to change the terms of the trust or direct that payment should be made to any other person than the beneficiary named in the will. If such were the intent of the Legislature, adds Justice McLaughlin, the law would be unconstitutional as it would destroy property rights existing at the time of its passage.

The court directs that Justice Seaburys garnishee order be vacated.

The amount which Mrs. Demuth could collect under the garnishee order, $650 a year, would fall far short of even meeting the interest on her judgment, which at 6 per cent., the legal rate, would be $2,479.44 per annum.

PATTEN TURNS WHEAT TRICK.

Price Runs Up Beyond Record for the Crop Year at Chicago.

CHICAGO, Feb. 19.—James A. Patten turned a trick in the local wheat trade to-day with the help of some bullish news which came along at the right moment. There was bearish news both at home and abroad when the market opened and the feeling in the trade was evidently dead against the bull campaign and the ruling high prices. As there was an absence of support from the bull leaders the first hour the local trade pressed the selling hard, but made little headway in breaking prices.

At midday brokers for the Patten house quietly began taking May wheat in good sized lots. Simultaneously with this it was given out that No. 2 red wheat sold out of Chicago elevator at $1.21 free on board, or 7 cents over the May price when the sale was made. Pacific coast dispatches were received giving an advance of 2½ cents from the close yesterday at Portland, Ore., which put the price to $1.15, or the highest on record. In the Kansas City market there was a sudden jump of 1 1-4 cents in the May price.

With these facts before them it took only a little buying on the part of the bull leaders to start a commotion in the pit. The early sellers had to turn buyers. The May price, which was holding around $1.13¾ a short time before, started up quickly and never stopped until it touched $1.15½ at the close. This is a new high record for the crop year. July wheat advanced one cent at the same time, to $1.01.

One of the best pit observers declares that a short interest of about 7,000,000 bushels is still to be covered and that the big end of this is sold by New York operators who have had no faith in the Patten bull operations. It is the popular belief among best posted people in the trade that the Patten line possibly aggregates 25,000,000 bushels.

NO SECOND SENTENCE.

Judge Holt Will Not Punish Convicts Twice for One Crime.

In granting a motion for the arrest of judgment in the Government's case against Samuel and Esther Palan, who were convicted in the United States Circuit Court on the charge of importing aliens for immoral purposes, Judge Holt said that he would suspend sentence because it "shocked the sense of justice" that persons should be punished twice for the same offence. The man and woman were convicted in the State courts on the charge of keeping a disorderly house and both served time in prison. The Government's charge is based on the same specific offence.

Fordham Club Dinner To-night.

The twenty-first annual dinner of the Fordham Club will take place at the club house this evening. The speakers will be Representative T. T. Ansberry of Ohio, Prof. Walter M. Chandler, Senator Thomas F. Grady and Comptroller Herman A. Metz.

MURDERED MAN A MYSTERY

ENGLEWOOD VICTIM WAS A SILK WEAVER IN ASTORIA.

Earned Small Pay, but Showed Considerable Sums of Money—Many Letters and Phone Calls—Seen With Four Men Near Place of the Murder.

The body of the man that was found back of the Englewood Country Club property on Thursday with nine bullet wounds in the head and trunk was yesterday identified as that of Frank Manno, who had been employed in the Star silk and ribbon mills in Astoria and had lived at 104 Trowbridge street, Astoria. The identification was made by Frank Potice, a former friend of Manno and an employee in the same mills. Guidino Manno, a brother of the dead man, visited the Englewood morgue later and confirmed the identification.

From the story that the brother told Chief Titus of the Englewood police department it appeared that the murdered man had been missing for fifteen days. George H. McFadden of Hackensack, county physician of Bergen county, who examined the body, says that the man could not have been slain longer than three or four days before his body was discovered.

Chief Titus and John S. Mackey, the acting prosecutor, found few clews to work upon yesterday. Although at first robbery seemed to have been the only evident motive for the slaying of Manno the fact of his protracted absence and information given by his brother to the effect that Manno had more than once dropped from sight for days at a time made the robbery theory seem less tenable. The added fact that the body was literally cut to pieces by .38-calibre revolver bullets, almost any one of which would have caused death, has led the police chief to the belief that he has to deal with one of the typically blind cases of Italian revenge.

The men who identified the body said that Manno had a wife and children in Italy and that he was planning to have them join him in this country in the near future. They said that he had no enemies and that he had never been involved in difficulties with any blackmailing organizations.

From one of the letters in Manno's pocket it was learned that he had recently purchased some diamonds in Maiden lane. His brother could not explain why the silk weaver should have bought diamonds, nor did he know whether or not Manno had possessed any considerable amount of property.

The fact that Manno's murderers—Chief Titus believes that several men were involved in the affair—made no effort to conceal the identity of their victim and that on Monday last Inspector McCafferty of New York Headquarters received a letter saying that he would find something of interest in the hills back of Englewood is one of the most puzzling features in the case. The two new stilettoes that were picked up near the spot where Manno's body lay were probably left there by design also.

Coroner Tracey and Chief Titus believe that the murder occurred on February 12. Joseph Brightly, a plumber's assistant, says he saw on that day four strange men in the woods where the body was found. Brightly was working on the new residence of Charles Paine, and at about 4:30 P. M. he saw the men shooting into a patch of woods at some object which he couldn't distinguish. "I could see the revolvers in their hands and I yelled at them, but they paid no attention to my cries," said Brightly. "They all were well dressed, each wearing a heavy black overcoat. In all about fifteen shots were fired."

Brightly's description of these men tallies with that given by Edward Gruber of five men who had dinner in his hotel in Englewood on February 12. Gruber identified the body of Manno and said the murdered man seemed to be the head of the party of five.

"They ordered the best wine I had and from their conversation, part of which was in English, I gathered that they were from New York and were here to inspect some real estate," said Gruber. "The party went in the direction of the Palisades after leaving my hotel. I could easily identify the other four if I saw them."

County Physician Dr. G. H. McFadden of Hackensack has the two daggers which were found a short distance from the murdered man's body. There are no blood-stains on them.

To his friends and acquaintances in Astoria Frank Manno was something of a mystery. While to many he pleaded poverty, to others he frequently displayed considerable sums of money. He lived in a furnished room in the house of Rocco Onorato at 104 Trowbridge street. This is a good neighborhood, and the Onorato family own the house.

Members of the Onorato family say that Manno hired a room there several months ago. He was very particular about the manner in which his room was kept. They understood that he had a wife and family in Italy. His cousin, Frank Scarfo, lived with him. Manno had been missing from his room since February 3.

Manno was employed in the Star Silk Ribbon Mills. He had charge of one of the most intricate looms in the place and also acted as sort of a sub-foreman. He was considered an expert in his particular line. He went to work there in June, 1907. His wages were $18 to $20 a week. He treated the other hands with extreme condescension and frequently mystified and amused them by his expertness as a penman and at drawing.

Manno received numerous telephone calls while in the factory. Owing to the noise made by the machinery the telephone is in a soundproof booth and the conversation was never overheard. These telephone calls became so frequent and prolonged that after a while the management would let Manno use the phone only in the noon hour. When asked the subject of his frequent and prolonged talks over the phone Manno told the management that he owned a big farm in New Jersey and was receiving daily reports from his superintendent. On the day before his disappearance he drew an advance of $8 from the superintendent. Nothing was thought of the matter as he frequently obtained an advance on one pretext or another.

Manno carried on a large correspondence and had a mail box of his own placed in the hallway of 104 Trowbridge street. There were several letters in his mail box last night and the one facing outward so that it could be seen through the glass panel bore the date of February 18, 5 P. M., and was mailed at Station W, Brooklyn.

M'CALL WILL HEAD DARTMOUTH

Congressman Will Accept Call as Soon as It Is Formally Made.

WASHINGTON, Feb. 19.—Representative McCall of Massachusetts will announce his acceptance of the presidency of Dartmouth College as soon as he receives officially the formal tender of the place from the board of trustees.

Mr. McCall has been in correspondence with the officers of the college, and it is understood that preliminaries have all been arranged.

HANOVER, N. H., Feb. 19.—The greatest enthusiasm prevails here over the unofficial announcement this afternoon that Congressman Samuel W. McCall will become the president of Dartmouth College.

The announcement that the proffer had been made to Mr. McCall met with cordial approval from all those connected with or interested in Dartmouth, although it was at once recognized that the difficulties in the way of Mr. McCall's accepting were very unusual.

A statement issued here in connection with the announcement of the proffer is as follows:

"On all sides the sentiment exists that Mr. McCall is so markedly the example in public life of those qualities for which Dartmouth stands in citizenship that every influence be brought to bear to induce him to change his field of work. Mr. McCall was in college a student of high grade, and his work since has constantly exhibited the spirit of scholarship. The combination of characteristics found in him makes him pleasing to the faculty of the college no less than to the alumni and undergraduates.

"It is understood that Mr. McCall is endeavoring not so much to estimate the possibilities of influence in one position as compared with another as to decide upon the likelihood that his training in public life would avail in the Dartmouth presidency enough to justify him in making the change from one field of influence to another."

James R. Garfield Suggested for Dr. Angell's Place.

ANN ARBOR, Mich., Feb. 19.—Rumors to-day added the name of James R. Garfield, Secretary of the Interior, to the list of possible successors of Dr. James B Angell as president of the University of Michigan. Among others mentioned is Elmer E. Brown, United States Commission of Education.

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Room 905, World Building

MARRIED.

HALSEY—CROSSMAN.—On Thursday, February 18, 1909, at the Madison Avenue Presbyterian Church, by the Rev. Gaylord S. White, Effie Underhill Crossman to R. T. Haines Halsey.

DIED.

DE RIVAS.—On February 17, 1909, at the residence of his sister, Mrs. Richard B. Alderoft, Jr., Fausto de Rivas, son of the late Manuel and Helen G. de Rivas, in his 29th year. Funeral Saturday, February 20, 1909, from St. Leo's Church, 28th street, between Madison and 5th avs., at 9:45 A. M. sharp.

HARRIS.—On February 19, 1909, at Jamaica, L. I., after a long illness, Reginald Foster, eldest son of the late Herbert W. and Mary Conant Harris, in the 20th year of his age. Funeral services at Grace Church, Jamaica, on Sunday, February 21, at 3:30 P. M.

JERNIGAN.—On Wednesday, February 17, 1909, Florence Miller Jernigan, wife of Dr. George Franklin Jernigan, 14 East 60th st. Funeral services at St. Thomas's Church, 5th av. and 53d st., on Saturday, the 20th inst., at 11 A. M. Special train leaves Grand Central Station, Lexington av. and 44th st., at 11:45 A. M. Interment at Woodlawn Cemetery. Pittsburg papers please copy.

STEHLIN.—On February 19, 1909, at 162 East 83d st., Charles V. Stehlin, aged 72, beloved husband of Katherine. Funeral will take place on Sunday at 1:30 P. M. from the Church of St. Francis de Sales, 96th st. near Park ave. Relatives and friends and members of Gilsa Post, No. 264, G. A. R., Trinity Lodge, F. & A. M., and Anchor Lodge, A. O. U. W., are respectfully invited to attend. Please omit flowers.

TREMAIN.—On February 18, 1909, at her residence, 114 East 71st st., of pneumonia, Eliza Martin, widow of Grenville Tremain of Albany. Funeral services at 2 o'clock Monday afternoon at St. Peter's Church, Albany. There will be a brief service on Sunday afternoon at 4 o'clock at the residence of her daughter, Mrs. Robert S. Brewster, 100 East 70th st.

TWOMEY.—On Thursday, February