

TEMPLES, GLORY AND CASH

GEN. WARD'S FEATS IN CHINA GONE OVER IN OUR COURTS.

His Sister-in-Law Must File an Accounting in Suit by the Executor of the Will of the General's Brother's Lawyer for Boxer Indemnity Money.

The valorous deeds of Gen. Frederick T. Ward, the American soldier of fortune who led the "ever victorious army" in the suppression of the Tai-Ping rebellion in China in 1860, had two memorial temples erected to his honor by the Chinese Government and was created a Mandarin of the first rank, were recounted in papers before the Appellate Division of the Supreme Court, in which the court gave a decision yesterday adverse to the heirs to Gen. Ward's estate.

The proceeding before the court was a petition by Newbury D. Lawton, an executor of the will of Cyrus Lawton, a lawyer who died in 1902, to recover \$73,356 of the money paid over by the Chinese Government to the heirs of Gen. Ward after they had tried over forty years to get it. The petition asked for an accounting from Mrs. Amidon, formerly Georgiana Ward, as executrix of the will of her husband, Henry G. Ward, who was a brother of Gen. Ward and who bought the share of his mother and sister in his brother's estate, consisting entirely of the claim against the Chinese Government. Lawton was Henry G. Ward's lawyer at the time of Ward's death in 1867, and the claim of his executor is based on a paragraph of Mr. Ward's will, which the lawyer drew.

Mr. Ward's executrix failed to get action by the Chinese Government on her claim until 1902, because the Government denied responsibility and insisted that the debt to Gen. Ward was a personal debt of the Taotai of Shanghai province, who had engaged Gen. Ward to assist in putting down the Tai-Ping rebellion. The State Department took up the Ward claim in 1902 and through the active negotiations by John W. Foster, who was representing Mrs. Amidon; Secretary Hay and the late E. H. Conger, Minister to China, got the Chinese Government to consent that the Ward claim be paid out of the Boxer indemnity fund.

Mrs. Amidon got a total of \$382,277, paid in five instalments. The Chinese Government had a counter claim against Henry G. Ward for the unexpended balance of \$40,000 sent to Mr. Ward to buy gunboats and munitions of war in the United States and England to aid in suppressing the rebellion. This counter claim was adjudicated at \$254,527, and the amount paid to Mrs. Amidon represented the sum due the estate of Gen. Ward after the counter claim had been deducted.

The Lawton claim of \$73,356 which the executor is now seeking to collect represents 10 per cent of the sum paid Mrs. Amidon and 10 per cent of the counter claim. The will of Henry G. Ward provided: "I give and bequeath to my friend Cyrus Lawton 10 per cent of all moneys hereafter received from China belonging to me, in lieu of all charges made in obtaining the same from my late brother's estate." The petition was not filed in the Surrogate's office until 1908, the executor stating that he had then first learned that the Ward claim had been settled.

When the petition was filed Mrs. Amidon as executrix put in merely a general denial that Lawton had any interest in the estate, declaring that the proceedings should have been brought in the Supreme Court, where Mrs. Amidon could have a trial before a jury of all the issues raised. The Surrogate ordered Mrs. Amidon to do an account. The case went to the Court of Appeals on Mrs. Amidon's appeal, and it was finally remitted back to the Surrogate's Court.

Mrs. Amidon then asked leave to serve an amended answer, presenting the merits of her defence. Surrogate Thomas denied her application and she went to the Appellate Division, which sustained the Surrogate's order. Under the former order of the Surrogate Mrs. Amidon must now file her account.

In her proposed amended answer Mrs. Amidon says she wants to set forth fully the circumstances relating to the fund collected in China, and facts whereby it will appear that the provision relating to the 10 per cent. payment to Cyrus Lawton was procured by the fraud and artifice of Cyrus Lawton, and is invalid. Mrs. Ward denies the allegation of the Lawton executor that he rendered any services in connection with the Ward claim, and says she holds no money to which the Lawton estate has any right. She has satisfied all the legacies under her husband's will, she says, but denies that anything is payable to the petitioner, or that the petitioner is a person interested in the Ward estate. She said that the Lawton legacy was contingent upon the lawyer's ability to collect from the Chinese Government.

Mrs. Amidon says that Gen. Ward, her husband's brother, was an American citizen who went to Shanghai in 1860, when the Tai Ping rebellion had started, and at the instance of Woo, Taotai of Shanghai, who was one of the officers engaged with putting down the rebellion, Gen. Ward drilled, equipped and organized a corps of Chinese troops. As their leader and General "he fought so many battles and captured so many cities held by the rebels with such distinguished success that the corps was named 'The Ever Victorious Army,' and General Ward was created a Mandarin of the first rank and raised to the highest military rank in the Chinese service. Mrs. Amidon says it was agreed to pay Gen. Ward a reward for his services in capturing cities held by the rebels. She states that "on or about September 20, 1862, Gen. Ward was shot while scaling a wall at Tsz-Ki at the head of his troops, was mortally wounded and carried aboard a British warship, where he died the following day."

The answer says that while mortally wounded Gen. Ward dictated a dying statement to Lieut. Bayle of the British navy, in which he said: "The Taotai of Shanghai owes me 110,000 taels; the Taotai of Tsz-Ki owes me 30,000 taels; the Taotai of Tsz-Ki owes me 50,000 taels, and all remains to be between my brother and sister. I wish Admiral Sir James Hope and Mr. Burlingame, American Minister to China, to be my executors. The Taotai mentioned was Woo, and the Taotai was a Shanghai banker who held the office of commissioner of Revenue. This dying statement was later pronounced to be without legal effect as a will and Gen. Ward was declared to have died intestate.

Gen. Ward was survived by his father, Frederick G. Ward, who then claimed the entire estate of his son. The father died in 1864, after an unsuccessful effort to induce the Government to pay the claim. United States Consul Freeman of Shanghai, who was administrator of the estate, admitted his indebtedness but advanced various reasons for not paying. A board of arbitration decided that the claim should be paid, but he refused. In 1864 Mr. Freeman was recalled by George M. Seward as Consul at Shanghai, but Seward had no better success in getting the claim collected. After the death of his father, Henry G. Ward bought the

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HEARD IN HOTEL CORRIDORS

A COLORADO WOMAN VOTER WHO HAS PROSPERED.

She Doesn't Think That Women Will Ever Lose the Ballot—An Alaskan Lament That Rex Beach Is Headed South—A Canadian Who Looks Like Uncle Joe.

Though Mrs. Moritz Parthe is living for the present in Boston, she is running a real estate business in Denver, Col., and has her office there. Mrs. Parthe, who is at the Manhattan, is a Colorado woman and votes out there, and she takes no stock in the rumor that woman's suffrage is in danger out there.

"My husband has been in Colorado twenty years," said Mrs. Parthe yesterday, "and I have lived there twenty. I have been in business, however, only for the last ten years. To tell the truth I do not know anything at all about business, but I find that is not necessary. All a woman has to do is to make some people think she knows a lot, and she can do that often by not saying anything."

"When I took an office my friends asked me what I was going to do with it. I replied that if I had put \$8,000 into an automobile it would have been simply for the purpose of looking at it. I have never kept office hours out there because I am too much on the jump. But you see my husband began buying land about Denver forty years ago and when my children got big enough not to need my constant attention I decided to go in for handling real estate. I have lately built a big hotel with stores under it in Denver, and I promoted the Shubert theatre which is now going up out there."

"I was one of the first women to go to the polls in Denver after we got the ballot," said Mrs. Parthe. "They will never take away the ballot from women out there. Woman's suffrage has benefited the State too much for that. Do you know there is more money to be made in Colorado than anywhere else in the United States? But there you only need a lot of brains. In New York you need not only a lot of brains but a lot of money to start with."

"That's Uncle Joe Cannon sitting over there," said a man at the Belmont yesterday.

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"It can't be. Uncle Joe is presiding over the House in Washington," said another. They made inquiries and found the visitor was Senator Cox of Toronto, a member of the upper house of the Dominion Parliament. The Senator at first glance might pass for the Speaker of the House because of the cut of his whiskers and the way he shaves, but a second would show that he is younger, taller faced and not quite so tall as Mr. Cannon.

The woman who had engaged a big room at a certain hotel had said she was going to give classical entertainment. The manager was dictating to his secretary from the inventory of requirements, and came to "three Roman chairs."

"We haven't any of those," remarked the secretary. "Why, yes, we have," said the manager. "Those three curved back armchairs that were posing as modern German furniture in the barroom scene in that entertainment the other night are genuine Roman. Mark that 'O K.'"

"When to-day's SUN reaches Alaska there is going to be a great walling over the land," said J. H. Galen, who hails from that Territory. Mr. Galen had just arrived at the Belmont from Butte, Mont. "Why? Well, because of the announcement it contains that Rex Beach, our only novelist of the first water, the historian of the fierce struggles of our claim jumping period and the author of the only convincing guide book to the Alaskan scenery, has decided there is nothing left up there for him to write about and has taken to the tropics and the semi-tropics for characters and local color."

"I can fancy the result when the news hits Nome. All the boys will be terribly cut up. Here's that rush to the Iditarod and the other gold fields to the north about to come on, and there won't be anybody up there to chronicle just how it all came about and draw pen photographs of the rugged heroes up there for future generations. It's too bad Beach didn't wait until he had paid another visit up there before giving us the go by in this fashion."

Tancredi Bienvenu, manager of the Provincial Bank of Montreal, who is at

DOZING LIQUENANT FIRED.

Crossey Puta John Lake of Harbor A Out the Department.

Lieut. John Lake, who was found asleep while on duty at Harbor A police station on New Year's eve, was dismissed from the department yesterday by Commissioner Crossey. Lake had been twenty-two years in the department. He was found asleep by First Deputy Commissioner Driscoll and Chief Inspector Schmittberger, and on January 3 was transferred to the Ralph avenue station in Brooklyn.

Fordham Alumni Association. Graduates of the Fordham University School of Law met yesterday and formed an alumni association. The following officers were elected: Eugene F. McGee, president; W. J. Fallon, vice-president; T. F. Connolly, secretary; William Hayes, treasurer and Charles M. O'Keefe, historian. The law school was established in 1905 and the first class was graduated in 1908.

Would Abolish Death Penalty. OLYMPIA, Wash., Jan. 14.—Bills have been introduced in the Washington Legislature abolishing the death penalty for murder and treason and providing for the commission form of Government for the State.

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Royal Wilton Rugs

Table with columns: Size, Regularly, Now. Rows include sizes like 18x36, 27x54, 36x36, 4.6x7.6, 6x9, 8.3x10.6, 9x12, 10.6x12, 10.6x14.

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One Thousand Infants' Long Dresses 55c., 79c. and 89c.

Four Thousand Infants' Short Dresses 35c., 49c., 63c., 73c., 89c., \$1.05, \$1.29, \$1.98, \$2.98 up to \$4.75

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Also a Number of Plain and Hand-embroidered Sacques and Wrappers in Cashmere and Fine Quality Flannel.

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Large assortment of styles in Serge, Cheviots, Coverts and Broadcloths. Ages 1, 2 and 3 years \$7.75 to \$12.50 values..... At \$5.75 \$14.00 to \$18.00 values..... At \$8.75

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Special Sale One Week Only

Augustine Triple Life Corset

STYLE 109 medium high bust, made of extra heavy coutil with unbreakable bones. Medium length corsets and absolutely comfortable, giving a graceful figure. Sizes 19 to 27. REGULAR PRICE \$3.00..... Our Price \$1.75

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These corsets are guaranteed, and if either corset or garters wear out within six months, will be replaced free of charge.

Fifth Ave. at 35th St.

THE BROOKLYN BANK QUILTS.

Panic of 1907 and Loss of Business the Cause—Will Pay in Full.

The stockholders of the Brooklyn Bank, at Fulton street and Flatbush avenue, held a meeting yesterday at which Charles B. Hobbs, the president, presided, and unanimously adopted his recommendation to liquidate and go out of business. Assurance was given that every depositor and creditor would be paid in full and promptly, arrangements having been made with the Metropolitan Trust Company to liquidate. The bank was kept open until night and the depositors who called with their pass books got their deposits.

The Brooklyn Bank was one of the institutions that had to close their doors in the panic of 1907. The efforts to re-establish it were not successful and the recent closing of the Northern Bank, the Washington Savings Bank and the Carnegie Trust Company caused a panicky feeling among the depositors. For two weeks no deposits came in and business was practically suspended and the stockholders after several conferences decided on the liquidation plan.

At the close of the meeting yesterday President Hobbs gave out this statement: "The Brooklyn Bank has had to strive ever since we resumed business following the panic of 1907. The condition was not sufficiently strong to attract new business, and notwithstanding every honest effort made to get the bank in better condition we have not received proper encouragement. When the suggestion was made to liquidate so that depositors and creditors could be paid in full it seemed wise. We will not take any chance of losses to either depositors or creditors."

At the meeting of the stockholders and directors arrangements were consummated whereby the Metropolitan Trust Company of Manhattan has agreed to loan sufficient funds to enable us to pay all depositors in full at the earliest possible date.

The capital of the Brooklyn Bank is \$300,000 and it has about \$600,000 on deposit, with a bank surplus of \$58,000. Its assets include a branch building on Fulton street and substantial loans.

JUSTIFIED IN KILLING INDIAN.

Indian Was Found Holding German Scout's Camp in the Susitna Region.

FAIRBANKS, Alaska, Jan. 14.—A Coroner's jury found that Emil Maurer, said to be a German Count, was justified in killing Nagata, an Indian, who looted his camp in the Susitna country during Maurer's absence, stealing \$1,200 and numerous valuables. The trouble between Nagata and Maurer grew out of a dispute as to Maurer's right to hunt in the Mount McKinley country. The Indian asserted that none but natives could hunt game there.

Lucius Tuttle Doing Well.

BOSTON, Jan. 14.—Lucius Tuttle, ex-president of the Boston and Maine Railroad, whose left leg was amputated on Thursday, is reported to-day as being as well as could be expected. He had a comfortable night.

Sunday School Superintendent 68 Years.

NOANK, Conn., Jan. 14.—Deacon Robert Palmer of the First Baptist Church was elected yesterday for the sixty-eighth consecutive time as Sunday school superintendent. Deacon Palmer is 68 years old.

Our Semi-Annual Clearing Sale Is Now in Full Swing Everything Marked Down 25% to 33 1/3% Rare chance to get Superior Custom Made Garments Far below intrinsic worth Burnham & Phillips Custom Tailors Nassau Street, below Beekman

HORNER'S FURNITURE Dining Room Suites: Comprising China Closets, Dining Tables, Sideboards, Serving Tables, Arm Chairs, &c. In Early English, 4 piece. Was \$142, Now \$130. In Mahogany, 3 piece. Was \$275, Now \$258. In Golden Oak, 3 piece. Was \$268, Now \$250. In Golden Oak, 3 piece. Was \$268, Now \$245. In Mahogany, 3 piece. Was \$348, Now \$325. In Mahogany, 2 piece. Was \$172, Now \$145. Bedroom Suites: Comprising wide Bed, Bureau, Chests, Trunk, Dressing Tables, Cheval, Rockers and Chairs, &c. In Circasian Walnut 3 piece. Was \$132, Now \$112. In Mahogany, 3 piece. Was \$295, Now \$225. In Golden Oak, 4 piece. Was \$295, Now \$225. In Birdseye Maple, 6 piece. Was \$595, Now \$475. In White Enamel, 4 piece. Was \$175, Now \$138. Also many odd pieces, including quality, design and utility, at most moderate prices. R. J. HORNER & CO. NEW YORK W. 23d St. - 61-63-65 Furniture Makers and Importers W. 24th St. - 36-38-40