NAVAL WAR GAME IS NOW ON

DEFENDING FLEET SLIPS AWAY TO THE EASTWARD.

Warships With No Lights Showing Getting Nearer Together Off the Entrance to the Sound—Some of the Points Involved in the Strategy of the Game.

NEWPORT, R. I., July 18.—The Red fleet of nineteen war vessels which is to-night defending the eastern approaches to Long Island Sound against the attack of the battleships of the Atlantic fleet left anchorage in Gardiner's Bay, twelve miles east of here, at 8 o'clock this morning and put out to the Atlantic through Block Island Sound. Commander E. W. Eberle, in command of the vessels comprising the Red fleet, expected upon his departure to be in touch with the battleships of the Blue, or attacking fleet, some time between midnight and dawn of to-morrow.

The departure of the twelve destroyers and the seven other vessels of mixed class that will represent an inferior force of battleships in the great naval game was as quiet as the coming of dawn. Promptly at 8 o'clock a string of flags went up to the signal yard of the Dixie, flagship of the defending fleet, and the left flank of the long line of black shapes began to move.

First the ponderous old monitor Tonopah, formerly the Nevada, got under way. Because of her slow speed, which is ten knots at best, the Tonopah was allowed to proceed far down the bay before the old cruiser Chicago, the gunboats Isla de Cuba, Machias and Vixen and the converted yacht Aileen had their anchors up. The destroyers started at the same time that the Dixie brought her anchor out of the mud. The twelve swift black craft moved forward in a flotilla to form the vanguard of the hypothetical battleships following.

There was every promise of fair weather when the fleet left Gardiner's Bay, but schooners that came in from the neighborhood of Block Island reported a low fog, which if it continued was just what Commander Eberle desired as favoring conditions for the use of his destroyers. The officers of the Dixie said before the start was made that if to-night should be foggy and contact with the fleet of the enemy was made there would be some startling dashes by the destroyers that would be demoralizing to Commander Osterhaus's battleships.

The theatre of the warfare that is now in progress and will continue until noon on Thursday will be the waters between a line drawn through Montauk Point and Block Island to No Man's Land as the eastern boundary and the entrance to the Sound about Fisher's and Plum Island. The attacking fleet must enter this area of hostilities before the defending fleet begins to repel its advance.

To-night not a light is showing on any of the vessels playing at war; this is the condition which the officers of the Dixie forecasted when the fleets should be feeling for each other through the dark. Care has been taken beforehand that neither of the darkened fleets should be in the track of the Sound steamers between Block Island and Vineyard Sound.

Some time either this afternoon or to-night the seven submarines attached to the Blue fleet, which sailed from Newport early this afternoon, took station in a strategic point ordered by Commander Eberle. It is conjectured—for the intimate plans of defence by the Red fleet have been sedulously guarded—that the submarines will hover about in Block Island Sound, waiting for the advance of the Blue battleships in pursuit of the theoretically weaker Red force. The stroke of the submarines will be sudden and effective, as the officers on Commander Eberle's staff have figured their problem.

None of the vessels of the Red fleet will return to Gardiner's Bay until some time late on Thursday afternoon.

NEWPORT, R. I., July 18.—Interest in the war game is intense here. This is the point from which the submarines will dash forth and prove their value in war. The War Department experts are particularly interested in what will be accomplished by the diving craft, and if their opinions prove true the submarines will come to be regarded as one of the most valuable of the fighting machines employed in naval warfare.

It is held that the submarine has increased in value as a fighting machine because of the developments among flying machines. It is said that the big floating vessels offer targets that are easy for the aerial craft and that bombs can be dropped on them with the utmost ease. Although it has not been officially stated, this manœuvring at the present time will prove just about how much a submarine is really worth. Although there will be no opportunity for aerial vessels to drop bombs on the war vessels, it has been decided that there will be plenty of opportunities to show just what the effect would be were aerial craft employed in the manœuvres.

The seven submarines that dashed from the harbor here to-day with the Gravling as flagboat under the command of Lieut. Donald C. Bingham presented a pretty sight as they passed in single file out through the harbor. The sea was choppy and it made it almost impossible to sight the periscopes.

It could not be learned what direction was taken by the divers, but the members of a fishing smack which arrived here to-night reported them to be in the east manœuvring.

The battle will be fought without the aid of wireless telegraphy.

The weather off here to-day favored the attacking fleet, for a thick fog hung over Block Island Sound and extended well to the eastward.

If Admiral Osterhaus succeeds in eluding the submarines he can continue on his way to Long Island Sound or make a base of supplies at Narragansett Bay and from the latter point conduct a base of operations. Men can be landed at places on the Sound, and if theories are correct they can continue marching on to New York. It can therefore be seen that much is expected of the submarines, and the eastern end of the big city is practically guarded by them.

BOSTON, July 18.—Interest in this military district has not diminished but has increased until to-day the army and navy officers are, so to say, standing on their toes. The manœuvres mean much to Boston, and especially those that are being performed in Narragansett Bay. The little and unobtrusive submarines there practically guard Boston as well as New York.

If the submarines at Narragansett Bay fail in their mission and Newport is made a base of supplies by a foreign force Boston would be threatened. That part of Rhode Island is known as the "back door of Boston" and an invading force would not have any too much trouble in reaching the Hub.

The officers here are somewhat divided as to whether New York could be taken. Naval authorities believe that the warships and submarines will prove their value in the manœuvres. On the other hand the members of the army say that the big town is invulnerable, that nothing that can escape the vigilance of the men in the defending forts.

Tail White Hanging Wash May Be Fatal.

Mrs. Sarah Kirnas, 26 years old, wife of John Kirnas, a machinist, living at 1015 Richmond terrace, Port Richmond, Staten Island, was hanging out washing yesterday morning on an extension built from the second story fifteen feet above the yard, when she slipped and fell to the ground fracturing her skull. She was taken to St. Vincent Hospital at West New Brighton, where it is thought she will not recover.

HE WAS NOT RIGHT BUT WRONG.

Station House Decision on Weber's Way of Getting a Pair of Shoes.

"And," concluded Albert Weber—no occupation, no home, no money and a new pair of Flatbush avenue shoes—to Lieut. Walsh of the Bergen street police station, Brooklyn, last night, "I leave it to you, officer—am I right or am I wrong? All I want is a fair answer, men. Am I right or am I wrong?"

There are three ways of getting a new pair of shoes in Brooklyn: By buying them, by joining the Trolley Dodgers and slamming a homer over the fence and by using Albert Weber's plan. Albert, who despite his invention is but 27 years old, says he went to Europe on a visit lately and blew all his money at Pilsener, Hofbräu, Muenchner, Würtzburger, Anheuser and other cities and came back broke.

Lately he has been looking for a job, but he complains that all bosses look one from head to foot. He passed muster except for the feet, upon each of which was a broken shoe. So he started out to get a pair yesterday in Flatbush.

Picking up a piece of iron pipe that was lying useless near the entrance to Hyman Holtzman's shoe store at 201 Flatbush avenue, Albert sought Hyman and asked to see some of the finest shoes in the entire store. He fancied one pair, laced them on and raised Hyman's black skull cap. Tapping the top of Hyman's head not viciously but too hard to suit Hyman, Weber replaced the skull cap over the lump and started to leave the store.

The shoe dealer was too surprised to move for some minutes but from a back room Hyman's wife and two daughters had seen all. Mrs. Holtzman started in full cry, which brought Levy the tailor of 203 out to the street. Levy and the Holtzman family chased Mr. Weber to the open space at Atlantic and Flatbush avenues, where Traffic Cop Edward Brosnan collared the man with the shoes and took him to the police station. Mr. Weber told his whole story to Lieut. Walsh, especially that part about the necessity of having good shoes if one hoped to get a gentleman's job.

"Am I right or am I wrong? I leave it to you," Mr. Weber asked for the sixth time.

"Wrong," decided the lieutenant.

Mr. Weber will appear in the Butler street police court this morning. Dr. Kidd of 81 St. Marks avenue soothed the lump on Hyman's head at the police station.

COURT EXONERATES DROEGE.

He Keeps the Property That Was Formerly Old Mrs. D'Herblay's.

Ex-Magistrate Otto H. Droege was cleared yesterday by Supreme Court Justice Lehman of charges of fraud made in a suit brought against him by Mrs. Emily L. D'Herblay to cancel a deed to property in East Thirteenth street near Fifth avenue and a mortgage on the property for $3,000. The plaintiff testified that Droege told her that title to the property was claimed by others, and she retained him to sue to clear the title. She won the case, but not long after the decree was entered a deed to the property was recorded in favor of Droege. Mrs. D'Herblay insisted that she never executed the deed or the morigage and that if she did so she was induced to sign the papers under the impression that she was signing something else.

Justice Lehman says that the plaintiff is an aged woman and is an inmate of a home for the infirm, but even her infirmity and poor eyesight could not "excuse the recklessness of her testimony." She had denied signing many papers when there was no doubt of her signature.

Justice Lehman said that when an attorney becomes possessed of all the fruits of victory after an action the circumstances raise a strong presumption of fraud, and the defendant must show affirmatively that the instruments were executed by the plaintiff with her full knowledge. The court said he gave closer scrutiny than usual to the testimony because Droege had been found unfit for an important judicial post in the past but he finds no reason to suspect fraud in the present case except as suspicion is raised by the defendant's past record. While it was difficult to reconcile some of Droege's testimony, if he had planned a scheme to defraud, the entire stake is less than $7,000, which "is too small to allure a man to a miserable crime." The court said that he believed the defendant's witnesses and concluded that the plaintiff knew what she was doing when she executed the deed and mortgage.

SAVAGES IN COURT.

Charged With Looting a Paleface's Store and Stealing Their War Paint.

Four young savages with daubs of war paint still adhering to their skins were arraigned in the Children's Court yesterday on a charge of petty larceny in that they had broken into the paint supply store of Frank J. Dahlen of 934 Courtlandt avenue and had stolen about $25 worth of gold paint, brushes and nails. These supplies furnished the quartet with war paint and other implements of primitive warfare.

The Indians are Edward Schuyler, 15 years old, of 131 Courtlandt avenue; William Dora, 12, of 929 Courtlandt avenue; Edward Broome, 11, of 921 Courtlandt avenue, and Andrew Jirsh, 14, of 900 Courtlandt avenue. They buried the hatchet in court and pleaded guilty. Justice Russell remanded them to the Children's society until July 20, when sentence will be imposed.

The four Indians arose with the sun last Monday and laid siege to the paint shop, captured and entered it and retired with their booty. They retreated to their camping grounds up Courtlandt avenue and proceeded to light the camp fire. Then they stripped to the waist and daubed themselves with the gold paint. Then the gilded warriors danced round their fire, hurling nails and brushes at any palefaces who chanced to pass.

Detective Meyer of the Central Office was scouting the neighborhood when he spied the curling smoke of the enemy's fire. Single handed he surrounded the camp and captured the young Manhattans.

$9,000,000 FOR BOSTON HARBOR.

Massachusetts House Passes Port Development Bill Without a Division.

BOSTON, July 18.—Without a division, although a few voices were heard in the negative, the lower branch of the Legislature to-day ordered to a third reading the bill for the development of the port of Boston, which carried with it an appropriation of $9,000,000.

Practically the only dissent came from southeastern Massachusetts. Certain members from that section protested that they saw no direct benefit coming to that part of the State from the passing of the bill.

To this Representative Cushing of Boston made answer that the business men of the State are agreed that the development of the port of Boston will bring prosperity not only to all Massachusetts but to all New England as well.

Nautical School Cadets at Naval Academy

ANNAPOLIS, Md., July 18.—The Newport, Capt. Harry M. Dumbaugh, U. S. N., commanding, and Commander C. H. Matthews, U. S. N., chief engineer, with seventy naval cadets of the New York City Nautical School arrived here this afternoon and anchored in the Severn off the Naval Academy.

COL. SAVAGE BACK WITH SHOWS

"GIRL OF THE GOLDEN WEST" IN ENGLISH IS CHIEFEST.

For It He Has Engaged the Tenor Calleya and Other Stars—"Little Boy Blue" and "Somewhere Else" Are Both New Musical Shows He Will Produce.

Col. Henry W. Savage, who attended the first performances in London and in Rome of Puccini's "Girl of the Golden West," incidental to his European tour in search of talent for his various productions next season, returned yesterday by the North German Lloyd liner Kronprinzessin Cecilie. He said he had obtained for the production here in English of "The Girl of the Golden West" some of "the most famous English singing artists of the world." Chief among them, he said, is Icilio Calleya, principal tenor last season in Genoa, who will play the part of *Johnson*, the gambler.

Col. Savage said that Calleya reminded him of Caruso, and that being only 28 he had plenty of time to learn to rival Caruso, who is 40. Calleya was born on the island of Corfu of British parents.

As an alternate for the part of *Johnson* Col. Savage has engaged Harry Bion, a Swedish tenor, from the Royal Opera in Stockholm, whose uncle is Norwegian Consul in this city. William Beck, a Hungarian, barytone who speaks English fluently, will take the part of the *Sheriff*. In Cologne Col. Savage engaged Irma Dalossy, a dramatic soprano, who will alternate the rôle of *Minnie* with Edna Blanche Showalter and Mme. Luisa Villani. Giorgio Polacco will be the conductor of the English production and there will be an orchestra of fifty-two pieces.

Other musical productions by Col. Savage next season will be "Little Boy Blue," adapted from the German by A. E. Thomas and Edward Paulton; "Somewhere Else," by Avery Hopwood, who will colloborate with Gustav Luders, author of "The Prince of Pilsen" and "The Grape Girl," by James Clarence Harvey and Luders.

Col. Savage said that he was sure that American playwrights would come into their own in the coming season.

"American plays," he said, "are becoming more popular in England and on the Continent. Of the four or five present successes in London two of the biggest, "Kismet" and "Baby Mine," which will also be produced in Berlin and Paris in November, are American products, and in Paris the everlasting triangle of husband, wife and lover as the basis of the drama has begun to weary even the public of the boulevards and they have hailed with relief the arrival of 'Alias Jimmy Valentine' at the Théâtre Renaissance and other prospective American productions.

"Two factors have contributed to this condition, which American managers will hail with pleasure—the greed of foreign authors and managers and the fact that native authors are presenting views of life with which their public is acquainted and in which it is interested rather than the sometimes distorted view which results from indifferent translations of a foreign author's play."

OLYMPIC BRINGS 3,105.

2,275 Steerage Passengers Try Her on Her Second Trip.

The White Star liner Olympic arrived last night from Southampton, Cherbourg and Queenstown with an unusually large ship's company, including 525 saloon, 275 second cabin, 330 third cabin and 2,275 steerage passengers. No British liner has ever brought so large a number of steerage passengers here in July. The Olympic made on the nautical day ended at noon on Saturday, about twenty-five hours, 590 miles, which is at the rate of 22.4 knots.

Among her saloon passengers are Mr. and Mrs. John Hays Hammond, Charles M. Schwab, Lord and Lady Pirrie, who will be the guests of Col. and Mrs. William Barbour at Rumson Beach, N. J.; Mr. and Mrs. August Belmont, Rear Admirals Watt and Cone, Charles Lanier, H. Seward Webb and Commodore F. G. Bourne.

RICH UNCLE IN THEIR FLAT.

Other Relatives Go to Court and Get Him Away From Two Nieces.

Patrick Goodman, a retired merchant, who owns property worth $150,000 and has been living on the top floor of a tenement house at 344 East Fifty-eighth street since last fall, was declared incompetent by a Sheriff's jury yesterday. The testimony showed that he lived at the Hotel Belmont a year or so ago and went to the East Fifty-eighth street tenement house because two nieces, Mary and Teresa McAdam, were living there. He has suffered two strokes of apoplexy since he has been in the house, and other relatives instituted the incompetency proceedings to have him removed to the country.

The two nieces refused to permit Dr. H. Valentine Wildman, the alienist, to enter the house and examine Goodman until he got a court order. Goodman is 76 years old.

FIRE 18 MILES BY 6.

Started by Incendiaries in Nova Scotia Timber Reserve.

AMHERST, N. S., July 18. Western Nova Scotia forest fires are breaking records this year. A fire that originated in the Cochrane and Soley timber limits at Fox River has been burning steadily for a week. The owners charge that it was plainly of incendiary origin, having started at three different points in a territory not visited by hunters or fishermen.

The fire has burned through valuable timber an area eighteen miles long by six to eight miles wide. Two hundred men are employed fighting the fire, but with no success and the flames are still spreading. The valleys along the coast of the Bay of Fundy and along the Herbert River are overhung by great smoke clouds.

It is certain that the loss will be very large, but no reliable figures are available.

Got a New Jersey License to Wed.

Edwin Wildman, 42 years old, a manager of magazines living at 118 East Thirty-first street, this city, and Mary E. Stephenson got a marriage license in Jersey City on Monday. Mr. Wildman was divorced on June 24, 1911, from Sophia S. Chapman, whom he married in 1896, and Mrs. Stepehnson got a Reno, Nev., divorce on June 14, 1911, from Charles Crysler, to whom she was married eight years ago. They were accompanied to the marriage license bureau by James Creelman and Mrs. Creelman. Mr. Crellman was the vouching witness for Mr. Wildman. Wildman said that he had made arrangements to be married by a clergyman, but he didn't further take the clerks into his confidence.

Dived From Launch and Didn't Come Up.

William Lindman, 19 years old, a clerk, dived off his launch, anchored off Orchard Beach in Pelham Bay yesterday afternoon. He did not reappear. His friend, Edward Lawson, went into the water after him, but could not reach him. At evening the body was recovered by grappling. Lindman lived at 2254 Ryer avenue, The Bronx.

Primrose, the Minstrel, Sues for Divorce.

PORTLAND, Ore., July 18.—George Primrose, the minstrel man, filed suit for divorce in the Superior Court at Oregon City this afternoon. Primrose charged that his wife deserted him July 8, 1910. The complaint recites that the Primroses were married in April, 1905, at Mount Vernon, Va. There are no children.

JOSEF HOFMANN'S FATHER DIES

Was First Teacher of the Eminent Pianist—Son Ill From Shock.

Casimir Hofmann, father of Josef Hofmann, the famous pianist, has just died at his home, 58 Motzstrasse, Berlin. He was taken ill at the theatre about a week ago and with his wife took a cab to return to his home. He fell dead on reaching the doorstep. His death was caused by heart disease. Josef Hofmann and his wife, who was Mrs. Marie Eustis, divorced wife of George Peabody Eustis, have left their home at Vevey temporarily and are now with the senior Mrs. Hofmann in Berlin.

Casimir Hofmann had long been a notable figure in the world of music. Until four years ago he was in the habit of accompanying his son on all his tours. It was he who gave Josef Hofmann his first lessons, although the boy went later to Moszkowzki and then to Anton Rubinstein, who was to a greater extent than any other his master. When he first came to this country to play only his father had been his teacher.

When Josef was old enough to show that he possessed musical talent Casimir Hofmann was professor of piano in the University of Craoow. But that post was not sufficiently remunerative to enable him to forego the chance of making money out of the juvenile phenomenon. When a purse was raised here in 1887 to send him back to Europe to study after the Gerry society had stopped his public appearances Casimir took his son back. He put him with masters in Berlin, and as he did not want young Josef to leave his home to study with Rubinstein in Dresden, where the Russian pianist was teaching when Hofmann wanted to study under him, his father arranged to have him go to Dresden twice a week for two years and take his lessons with Rubinstein.

Until he reached his majority Josef Hofmann gave all his earnings to his father, who paid back from them whatever had been advanced to him by rich people in this country. After he had reached his majority Josef, who is now 35, allowed his father to keep what he had made, and by judicious investment, chiefly in real estate in Berlin, he had much increased the funds which his son gave him and which will ultimately revert to the latter. Casimir Hofmann leaves a daughter older than Josef and a widow. He was 60 years of age, a native of Warsaw and a loyal Pole, although Josef's great success in Russia, where he is regarded as the successor to Rubinstein, prevented him from taking any active part in political affairs.

In a cablegram received yesterday by Alexander Lambert, who is a great friend of the Hofmann family, Mrs. Josef Hofmann said her husband was so shocked by his father's sudden death that she feared he might be seriously ill. Josef Hofmann was devoted to his father.

EX-ALDERMAN MURRAY DEAD.

One of the Founders of the County Democracy—Lately a Contractor.

Ex-Alderman Joseph Murray died on Monday evening of œdema of the lungs at his home, 311 East Eighteenth street. He was 63 years old. Mr. Murray was one of the founders of the County Democracy. He ran against Tammany three times on the County Democracy ticket for Alderman and twice on a union ticket of Tammany and the County Democracy. His last election was in 1888. He represented the gas house district, and went back into Tammany when the County Democracy ended.

Mr. Murray came to New York when 2 years old with his mother and her four other children from County Westmeath, Ireland. Joseph Murray went to the parochial schools. Later he did trucking and worked with a construction company as a foreman of roofers. After his last term as Alderman he went into partnership with John Cloughen in the firm of Murray & Co., contractors, which got dock contracts when Charles F. Murphy was Dock Commissioner. Murray ran three saloons at one time, but gave up the business twenty-five years ago because he didn't like it.

He was 6 feet tall and weighed more than 300 pounds, but was big framed and well proportioned. He was a member of the Anawanda Club. He paid life insurance premiums for four friends of his earlier days for more than thirty years. He was active in the Church of the Immaculate Conception. He leaves a widow, five sons and two daughters. The eldest son is in the Health Department, the next is a civil engineer and graduate of Manhattan College. The third and fourth sons have just been graduated from Fordham. The youngest is preparing for Stevens Institute.

The funeral will be to-morrow at the Church of the Immaculate Conception, at 505 East Fourteenth street.

ELIZA WRIGHT OSBORNE DEAD.

Passes Away at Age of 81 in Auburn, N. Y.

AUBURN, N. Y., July 18.—Eliza Wright Osborne, mother of former Forest, Fish and Game Commissioner Thomas M. Osborne and widow of David Munsen Osborne, a pioneer in the harvester manufacture in this country, died to-night aged 81 years. Her son, who had been called home from Europe two weeks ago, was at her bedside, together with her two daughters, Mrs. James J. Storrow of Boston and Mrs. Frederick Harris of Springfield, Mass.

The deceased was vice-president of the New York State Women's Suffrage Association and a philanthropist of wide repute. She erected the Women's Educational and Industrial Union building here at a cost of $200,000 and equipped it in a manner that made it the model for study by students of social welfare all over the United States. In her home here she had entertained many famous persons, including anti-slavery and subsequently woman suffrage leaders.

WILLIAM P. CHAMBERS DEAD.

Father of Novelist Stricken With Apoplexy at Summer Home.

William P. Chambers, the father of Robert W. Chambers, the novelist, died yesterday at the family's summer home at Broadalbin, near Gloversville, N. Y. Mr. Chambers was stricken with apoplexy while sitting on the porch. He was dead when a physician arrived.

He was born in Broadalbin eighty-four years ago. He leaves a widow and two sons, Robert W. Chambers and Walter B. Chambers.

Obituary Notes.

Sergt. James J. Quigley, son of Edward and Hannah Quigley of 283 Tenth street, Brooklyn, died last Friday at Presidio, Cal., after an operation. He served in Cuba through the Spanish-American war and in the Philippines with the Sixth Infantry and had been in continuous service since with the Twenty-third Infantry and the Sixteenth. He was first sergeant of Company C in the Sixteenth. The funeral service will be at his parents' residence on Saturday morning next and there will be a requiem mass at St. Thomas Aquinas Church, Ninth street and Fourth avenue, Brooklyn. The burial will be with military honors.

Edward S. Fearn, an undertaker, who had been in business at 305 West Forty-third street for forty-one years, died yesterday at his home from the effects of a cold and old age. He was 79 years old. Mr. Fearn was born in England and came to this country when he was 21. He leaves a daughter and a son, William Fearn, who is sexton of the Broadway Tabernacle.

Dennis O'Connor died of old age yesterday in his eighty-second year at his home, 316 East Thirty-first street. He had been forty years in the Department of Public Highways, for a number of years an inspector. He leaves one son, the Rev. Father Thomas F. O'Connor of St. Patrick's Cathedral.

BARRY AT LAW WITH PLAYERS

SEEKS TO GET BY CLUB'S BARRED DOOR BY MANDAMUS.

Club Replies That It Is the Sole Judge of Clubability—It Expelled Him Because He Wrote a Piece Describing Actors as Persons of Inferior Minds.

Richard Barry, who was expelled recently from the Players Club because of a magazine article he wrote, asked Supreme Court Justice Giegerich yesterday, on the return of an order to show cause, for a mandamus compelling the club to reinstate him. Barry's article was headed "Why Women Are Paid Less Than Men" and made the statement that very few persons on the stage know how to think and few know how to feel.

Henry Bridges, counsel for Barry, stated that his client stands high in his profession and after reading extracts from the article objected to said:

"Do the members of the Players Club endeavor to constitute themselves censors of what a newspaper man should write? Suppose that I should have given breath to the statement that most lawyers do not know how to try a case properly. Surely the Bar Association would not discipline me for that. There is absolutely nothing in this matter to cause the Players Club to take such action."

Joseph F. Daly, appearing for the club, remarked that among the organizers were Edwin Booth, Lawrence Barrett, Mark Twain and Gen. W. T. Sherman, and said that the club had a right to expect its members to do nothing to cause offence to other members. Mr. Daly read the statements that were objected to and said:

"This man has a contemptuous opinion of the theatrical profession. After that article was published the secretary of the Players Club received several communications about the article. It was brought to the attention of the members of the club and Mr. Barry was notified to answer a complaint against him. The governors decided that the article was false and Mr. Barry was expelled.

"To say that the theatrical profession do not think, that they have no feeling, that they make a pretence of all these, is to hold them up to ridicule and contempt, and yet Barry comes here and asks to be reinstated. The motion should be denied."

Argument in the case was not concluded. The defence maintains that the board of directors of a club, acting in good faith, are the sole judges of the sufficiency of grounds for the expulsion of a member and that the Players Club is a social organization in which a member has no property or pecuniary rights.

The article that raised the row had this paragraph on which the Players Club directors acted:

"Very few persons on the stage know how to think. In fact, few of them know how to feel, though they all make some sort of bluff at it. Education is unnecessary, general association with humanity is tabooed, and few of the profession read enough to have any grasp on the things of the mind."

STAYS MUTUAL LIFE ELECTION.

Sol Rosenblatt, a Ticket All by Himself, Gets an Injunction.

The name of Sol Rosenblatt bobbed up again yesterday in the conflict over the election of directors of the Mutual Life Insurance Company. His lawyer, Lester T. Hubbard, "attorney for the policyholders' ticket"—Rosenblatt was the ticket—served an injunction upon the inspectors of election. By reason of it the inspectors are now restrained from signing the certificate of election which they would have been prepared to deliver to-day.

The men whose election would have been reported to-day are Joseph H. Choate, Henry W. Taft, Gen. Benjamin F. Tracy, Thomas M. Mulry, Cyrus H. K. Curtis and Robert W. Woodward. In the petition attached to the injunction Mr. Hubbard asks the court to take summary action on the eligibility of these men and in case they are decided to be ineligible as not being policyholders to transfer their votes to Rosenblatt. Rosenblatt is said to be a Chicago lawyer, doctor and brewer. He is about 30 years old and received about 2,000 votes out of a total of 21,000 cast.

Frederick L. Allen, solicitor for the Mutual, said yesterday that the company didn't take the matter very seriously. He said that there is nothing in the company's by-laws or in the insurance act to oblige the directors of the Mutual to be policyholders in the company.

The injunction is returnable at Albany at a special term of the Supreme Court on July 29. It was signed by Supreme Court Justice Howard at Troy.

PROF. COLLINS LEAVES BROWN.

Accepts a Post as Forest Pathologist in the Department of Agriculture.

PROVIDENCE, July 18.—Prof. James Franklin Collins has resigned as assistant professor of botany and curator of the herbarium at Brown University to become forest pathologist in the bureau of plant industry, Department of Agriculture, at Washington. His successor at Brown has not been selected.

Prof. Collins has been associated with botanical work in connection with Brown University since 1894 and has been very energetic in everything pertaining to his specialty in all parts of the country. His work attracted the attention of the United States forestry bureau and for several years he has been a contributor to and assistant of that bureau.

He has been especially active in the study of insect pests as well as watching the effect upon the shade trees of the city of the concreting sidewalks and the use of the bitulithic surfacing of the highways. He has also made a considerable study and collected a vast amount of data concerning the effect of electric wires and of gas on the various species of shade trees.

Recently he has been especially interested in the study of the chestnut tree bark disease, and has visited every grove of chestnuts throughout Rhode Island and across the borders into Massachusetts and Connecticut in his investigation.

THE SEAGOERS.

Eastbound Travel Remains Good Even in Mid-July.

The Cunarder Lusitania, which sails to-day for Fishguard and Liverpool, will take out more than 450 cabin passengers, an unusually large number for mid-July, including:

Mr. and Mrs. Lloyd Bryce, Lieut.-Col. H. F. Barclay, E. Dwight Atherton, Commander and Mrs. Carlyon Bellairs, Dr. and Mrs. Nicholas Murray Butler, Dr. and Mrs. A. D. Bevan, Mrs. H. S. Bowen, Mrs. John Henry Clews, Darwin P. Kingsley, Mr. and Mrs. E. Drexel Godfrey, Mrs. J. C. Hoagland, Mr. and Mrs. Walter Lewisohn, Gen. and Mrs. Thomas L. James, Mrs. Herbert Wadsworth, Eugene Zimmerman, Lloyd Warren, Dr. John Vanderpoel, Capt. G. B. Thomson, Mr. and Mrs. S. R. Guggenheim, E. Coster Wilmerding, W. S. Crosby, Jesse Leeds Eddy, Mr. and Mrs. Charles M. Chapin and William P. Clyde.

Sailing by the White Star liner Oceanic for Plymouth, Cherbourg and Southampton:

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DOG TAX LAW STANDS, SO FAR.

Dr. Westbay Says He Will Take It to the Court of Appeals.

The habeas corpus proceedings brought by Dr. Henry E. Westbay to test the law under which he was arrested on a warrant issued in the Tombs court for refusing to pay a $2 dog tax, were dismissed yesterday by Supreme Court Justice Lehman. While the court said he believed the present law is constitutional he ruled that legislation should not lightly be declared void by a court of first instance in a proceeding requiring a somewhat hasty decision.

The court said that the original law under which the Society for the Prevention of Cruelty to Animals was empowered to collect a dog tax was declared unconstitutional on the ground that appropriating license fees to a society organized by the voluntary act of individuals alone is a gift of public moneys in aid of a corporation or private undertaking, while empowering the society to appropriate, harbor and keep dogs without paying a license which was required of every other citizen, grants an exclusive privilege, which is forbidden by the Constitution.

The court said that under the present law the society is organized under a general statute and not by the voluntary act of individuals, and the license fees are not given for private purposes, but are to be retained as compensation for enforcing the provisions of the penal code and other statutes.

"While the Legislature has not the right to vest in a private association authority and power affecting the life, liberty and property of the citizen except in a few specific instances," said the court, "it had the undoubted right to employ a private association and individual in a purely administrative capacity, to compensate them for such services and appropriate funds in aid of such services."

The court said that the law should be upheld if possible because the Legislature has destroyed every other instrument that might be used to perform the duty now performed by the society. Counsel for Dr. Westbay said that the case would be carried to the Court of Appeals.

TOLD TO INDICT SHERIFF.

Judge's Charge to Grand Jury Drawn to Probe Atlantic City Affairs.

MAYS LANDING, N. J., July 18.—A special Grand Jury composed of clergymen and leaders of the reform movement drawn by William Black, Democrat, and William Clevenger, Independent Republican, was charged to-day by Supreme Court Justice Samuel Kalish to indict Sheriff Enoch L. Johnson, elected by the so-called Republican machine of Atlantic county, and all others involved in alleged shady election tactics last November when the county turned in a heavy Republican plurality.

The Sheriff is charged with taking registry books from the clerk's office and altering records. Lawyers have been retained to halt the new jury by having the proceedings declared invalid by a United States court.

Previous Grand Juries have considered complaints of wide open Sundays in Atlantic City, but nothing has come of it. The clergymen on the present Grand Jury are the Rev. Melville Snyder and the Rev. Newton Cadwell. The foreman, Charles Moore, is a Democrat and a stickler for strict enforcement of laws regardless of local conditions. All of the other members are known to have strong convictions against the present administration of county and city affairs. Attorney-General Wilson is assisting the jury in place of Prosecutor Clarence Goldenberg.

WICKERSHAM IN CHICAGO.

Attorney-General's Refusal to See Any One Starts a Lot of Rumors.

CHICAGO, July 18.—Attorney-General George W. Wickersham arrived in Chicago from Washington to-day and went to a room at the Blackstone Hotel, where no one was allowed to see him.

It was said that he was on his way to Duluth, where he is scheduled to deliver an address to-morrow night, but his business in Chicago to-day was carefully shielded.

Shortly after he arrived in Chicago Charles F. Dewoody, chief of the bureau of investigation of the Department of Justice, had a short conference with him and later took luncheon with him, and this was followed by an automobile ride in the afternoon. Mr. Dewoody was careful not to give out anything about the purpose of the Attorney-General's visit to Chicago.

Whether the visit of the Attorney-General had any connection with the prospective change in the office of United States District Attorney would not be admitted by any one conversant with the situation, but following the arrival of Mr. Wickersham and his talk with Mr. Dewoody James H. Wilkerson, mentioned as Mr. Sims's successor, had a conference with Mr. Dewoody in his office. What was discussed neither would say.

Upholsterers Convene.

The annual convention of the Upholsterers International Union began yesterday at the Hotel Albany, Broadway and Forty-first street, thirty-five delegates, representing 10,000 upholsterers in the United States and Canada, attending. It was decided to demand the eight hour workday everywhere.

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CALDWELL'S HISTORIC GUN.

Field Piece Dating Back to 1823 to Be Mounted as a Soldiers' Memorial.

CALDWELL, N. J., July 18.—A flagstaff 120 feet tall was raised on the Caldwell green to-day preliminary to the unveiling on Saturday of a memorial in honor of the soldiers who went from Caldwell to fight in four wars, the Revolution, the War of 1812, the Mexican war and the civil war. The memorial is a bronze six pound field piece of the kind in use during the War of 1812 mounted on a granite base.

The gun was presented to the Caldwell Artillery Company in 1823 by Col. Decatur, a brother of Commodore Decatur. When Gen. Lafayette visited America the last time he was taken over the route followed by Washington's army in its march from the west bank of the Hudson to Morristown. Capt. Samuel Crain, then commander of the Caldwell Artillery Company, went to Pine Brook with an old iron field cannon used in the Revolution to give Gen. Lafayette a salute. After a few shots had been fired the old gun burst. Col. Decatur, who accompanied Lafayette, told Capt. Crain that he would see that the gun was replaced and a few months later the promised field piece arrived. It remained the property of the company until the company was