STREET CLEANING.

Conference of Department Commissioners with Mayor Ely.

POLICE DEPARTMENT DIFFICULTIES.

Ashes, Garbage, Street Sweepings, Scows and Official Blunderings.

A conference took place yesterday in the Mayor's Office between several of the Commissioners of city departments and Mayor Ely relative to the street cleaning and the best methods to be adopted in carrying on the work. Among the gentlemen present were Commissioner of Public Works Campbell, Police Commissioners Ehrhardt, Wheeler and Nichols; Dock Commissioners Vanderpoel and Dimock, Health Commissioners Chandler and Janeway, Health Officer Vanderpoel, Corporation Counsel Whitney, Mr. Seth C. Hawley, Chief Clerk of the Police Board, and Mr. McClean, counsel to the same department. Shortly after eleven o'clock Mayor Ely called the meeting to order. He remarked that the conference was held in accordance with suggestions made in certain resolutions passed by the Board of Health calling attention to the filthy condition of the streets.

PROFESSOR CHANDLER EXPLAINS.

Health Commissioner CHANDLER first addressed the conference. He stated that his Board, which was charged with the duty of protecting the public health, considered that the city, on the whole, was in a filthy condition, and had been so for several months past. The public health was, consequently, much endangered, and the members of the commission felt it their duty to call attention to the matter. They had no plan to offer, and simply felt it a duty incumbent upon them to notify the proper authorities in relation to the subject. The city, instead of being always dirty, should be always clean.

Mayor ELY—Was the city worse as to cleanliness when this resolution passed than it ever was before?

Commissioner CHANDLER said that its condition varied in this respect. He would not say that it was always so dirty. Nearly every week the Sanitary Superintendent and inspectors had called their attention to it.

Police Commissioner WHEELER—Have these reports been sent to the Police Board?

Commissioner CHANDLER believed they had. Attention of the Health Board had also been called to the fact that ashes and garbage were deposited in various parts of the city. Such dumping might go on for two or three weeks before attention was formally called to the nuisances.

Mayor ELY—I would like to ask the Police Commissioners whether the streets are now in a worse condition than ever before?

DEFENCE OF THE POLICE DEPARTMENT.

Police Commissioner NICHOLS denied the statement as to the present condition of the streets. More work had been done during this year than for many years previous.

Mr. Hawley, Clerk of the Police Board, defended his department in a long speech. The work of keeping clean the streets of a large city was one of the greatest problems of the age. In 1872 the Legislature had given the Police Department control of this matter of street cleaning in New York city. The total area of streets to be swept was 250 miles, and the total area to be gone over in the collection of ashes and garbage over three hundred miles. Mr. Hawley next presented the following statistical statement from the Bureau of Street Cleaning, for the years 1873-4-5-6 and part of 1877:—

	AMOUNT EXPENDED.
1873	$1,097,384 33
1874	829,828 07
1875	801,405 33
1876	726,405 33

Total number of miles of streets cleaned during same period, 45,382. Total number of loads of ashes removed, 3,099,177; of dirt, 1,086,703; garbage, 35,011. Total cost per mile, on an average, for cleaning, $76 82. Average cost per load for removing refuse matter, 83 cents.

From January 1 to October 1, 1877, the total amount expended was $592,969 16. During the same period 6,078 miles of streets were cleaned; 609,416 loads of ashes removed; of dirt, 203,484. Total cost per mile for cleaning streets during that time, $96 56; cost per load, 72 cents.

Mr. Hawley continued his remarks by stating that sixty-five or seventy per cent of the refuse matter from the streets consisted of ashes, while only ten per cent composed the garbage. As to the actual work of cleaning the streets there should never be a division of responsibility among the departments. That feature came into the subject then under discussion in an emphatic manner. The Board of Police had power to remove the refuse matter from the streets, but they had no power to place it anywhere. This system had been regulated by statutes of the State. The great question then arose as to where it was to be removed to. This material had been held to be so deleterious to health that a law was passed preventing it from being carried out to sea unless certain conditions prescribed by a shore inspector were complied with. A violation of these conditions was set down as a misdemeanor. No vessel carrying a cargo of such matter could pass through the Narrows except by permission of this officer and under certain operations of the wind and tide. Under these rules they were compelled to send their scows to sea against the incoming tide and to return against the outgoing tide. The cost was consequently about doubled, from $125,000 to $240,000 being expended annually in this particular work. Men were sent out out on these scows; they only worked for about an hour and a half. The department possessed no power to deposit in Jersey, Long Island or Staten Island. The only course left open for them was to tow the scows out to sea. The streets could not be cleaned every day. That would cost over $3,000,000. If the streets were kept as clean as the sidewalks it would cost over $5,000,000. He (Mr. Hawley) did not know where the refuse matter was to be deposited within thirty miles of the city of New York without the consent of the Board of Health. Even the employés of the department had been arrested, indicted and punished for going out in the open sea. This shore inspector had an immense power in the waters surrounding New York. Mr. Hawley compared the official to an "amphibious bumb bailiff." The gentleman then went on to say that he considered street refuse under the present arrangements could not be utilized to any considerable extent. Our ancestors did not consider it unsafe to build the Battery with this material. Canal street and a considerable portion of the west side of the city had been converted into solid land by "filling in" dirt of this character. In these vicinities the matter was not set down as pernicious to the public health. He claimed that the material could be safely used in filling in up to low water mark, and beyond that other matter could be used. The Health and Police departments should agree upon some common ground of action.

THE REMOVAL OF SNOW.

Mr. Hawley next alluded to the subject of removing snow from the streets during winter. A claim was raised that the Board of Police did not remove the snow. It would cost at least $1,500,000 to do this work properly. There was not a scrap of a statute compelling the Board to discharge this duty; not a cent had been appropriated for such an object. The departmental estimate for removing snow had been stricken out from the estimates every year. There was an ordinance compelling city railroad companies to throw off the snow from their tracks; an ordinance compelling citizens to clean off their sidewalks in the same way, and thus snow and dirt were piled up in the middle of the thoroughfares for months at a time. The speaker next called attention to the meagreness of the amount allowed for streetcleaning, where the expenses were now much larger than in former years. When Harlem flats were filled in the department was paid $10 for each scow load. Now they are compelled to pay $25 for permission to dispose of each scow load somewhere.

CHANDLER'S REPORT.

Commissioner CHANDLER replied to the statements put forward by Mr. Hawley. He contended, with all due respect to the last speaker, that the argument meant merely "how not to do it." What our ancestors did could not prevail in the present instance. It was a serious fact that chills and fever were prevalent in almost every street of the city. There was no excuse for this state of affairs. He considered it a waste of valuable material to dispose of street refuse by sending it out to sea. There were many squares of lowlands in the city which could be filled up with it. Street sweepings should be used for filling sunken lots. It was never found good for fertilizing purposes, containing very little horse manure. The same was true of ashes. As long as garbage was mixed with ashes and street sweepings it could not be safely used for filling. That was the trouble at Harlem flats. Had the Board of Health permitted such matter to be deposited in that locality they would be liable to indictment. Thirty or forty years must elapse before ashes and garbage would decay. The matter might be used in filling in docks, but he (Mr. Chandler) would never consent to its being used on any lot where a house was to be built. The separation of garbage from ashes and street sweepings would settle the whole difficulty. The garbage could be sold and the ashes and street sweepings used for filling in. Ordinances of the sanitary code compelled citizens to separate these different materials. In order to do so it became necessary to use two vessels. The plan had been tried for a short time; but when the carts of the Police Department went around all the matter was dumped into one vehicle, so that the Board of Health had abandoned the idea of compelling a compliance with the law.

WORDY WARFARE.

Mr. HAWLEY agreed with the gentleman as to the difficulties to be encountered in separating the three kinds of refuse matter. Families could not be induced to obey the instructions. Arrests by the hundred had not succeeded in remedying the evil. It would be necessary to have three sets of carts passing daily over 300 miles of streets. It would cost $1,000 per day to pay expenses of cartage alone.

Commissioner CHANDLER remarked that as the garbage only amounts to about ten per cent it could not make such difference in the labor of cartage.

Mr. HAWLEY—It may be small, but you will have to travel 300 miles a day to get it.

Commissioner NICHOLS—Is there any objection to filling in the water front with this material, the same as it is used at the foot of King street?

Commissioner CHANDLER—If it is used exactly the same as at the foot of King street we can't object. Of course we can't commit ourselves to any plans which will interfere in any way with the health of the city.

Mayor ELY (addressing the Police Commissioners)—Do we understand that the statute compels you to clean the streets of the city daily?

Mr. HAWLEY answered by stating that some were cleaned every day and some occasionally. The gentleman then turned to Mr. Chandler and asked, "Is it practicable to compel the public to separate this refuse matter?"

Commissioner CHANDLER thought it was. The rule should be insisted on with the public for months until they got used to it, and then there would be no difficulty.

Police Commissioner ERHARDT—What is the punishment in case of non-compliance with this ordinance?

Commissioner CHANDLER—The maximum is $50 fine and also imprisonment at the discretion of the Court.

Mayor ELY—Mr. Hawley made some remarks about waste of time in sending men to sea with the scows where they had only to work for about an hour and a half. Would it be possible to secure an improvement in the capacity of these vessels?

HAWLEY'S THEORIES CONTINUED.

Mr. HAWLEY said that they had no money for use in this direction. The old material of former years in the way of scows and steamboats had been handed over to the Police Department. He was of opinion that ten per cent of garbage buried in ninety per cent of ashes and street cleaning would not hurt anybody. The versatile speaker next gave his theories as to the Harlem flats nuisances. In former years, he said, the tide used to flow back and forth in that vicinity. Part of the locality was dammed up in Third and Second avenues. Cesspools were thus formed. The tide was kept back and these spots were never thoroughly cleaned out. Then came the contract with the Police Department. The street cleanings were dumped into these cesspools. It was the water and not the matter that caused the disagreeable odors. The department sent fourteen doctors to examine the locality as an offset to the Board of Health. These doctors were of the same opinion as to the cause of the smells. Harlem had now become as healthy as any other part of the city.

Mr. CHANDLER—Yes, but we spent $23,000 in one month in disinfecting these flats.

SANITARY POLICE.

Some discussion here arose as to the effect of piling up manure in different parts of the city and the action of the Board of Health on the subject. Mr. Chandler also complained of the abolition of the sanitary force attached to the Board of Health by the Police Department.

Commissioner ERHARDT explained this action in the statement that he thought it necessary to dispense with the services of these men, as their duties were light, and they were more useful in discharging patrol duty.

In answer to a question from Mayor Ely, Mr. HAWLEY stated that a bill had been drafted and sent to Albany giving permission to the department to dump in Little Hell Gate; that two old gentlemen went up the river and notified the Legislature that such dumping would make them sick, and there the affair dropped.

THE MAIN QUESTION.

Other general ideas were thrown out, when Commissioner ERHARDT asked Mr. Chandler, "In your opinion, will it be necessary to secure additional legislation, so as to obviate the difficulties in this matter of disposing of street refuse? Can you not suggest some plan in this connection?"

Mr. CHANDLER did not think it was the province of the Board of Health to suggest any plan. It was their duty to find fault where the work of street cleaning was not properly done. He thought that under existing laws everything could be accomplished that was necessary.

Mr. HAWLEY—Until the entire responsibility is placed in one department nothing can be done.

Captain GUNNER, Superintendent of the Street Cleaning Bureau, said that during the years 1875 and 1876 the Police Department had separate carts. They were not able to continue them because certificates could not be procured from the Board of Health.

Mayor ELY, in concluding the conference, said that it seemed to him the duty of cleaning the streets lay entirely with the Police Board, and this department was not able to do any better without the aid of legislation. They might, therefore, be able to get some legislation next month in reference to the disposal of material. The public would be compelled to submit to the present condition of affairs until some remedy was provided.

After hearing a statement from Mr. Charles R. Haswell as to providing steam hopper scows for carrying the refuse matter out to sea and a short speech from Mr. T. N. Butler relative to manure, the meeting adjourned.

MADMAN AND KEEPER.

INQUEST ON THE BODY OF NATHAN ODENWALD—MORE ACCOMMODATIONS NEEDED FOR THE INSANE.

At the investigation of the death of Nathan Odenwald in the Insane Asylum on Ward's Island, which was held in the Coroners' office yesterday, the jury found a verdict which, while exonerating Keeper Byrnes in a measure, still holds him culpable of undue force and criminal negligence. In the course of the inquiry it was also found that there are abuses existing in the institution which require a speedy remedy. According to the admission of the gentlemen who direct it there are insufficient accommodations for the inmates. The apartments are not numerous enough to admit of the taking of proper precautions to separate the more violent patients from those whose mania is of a milder character, and in this way insane people who on admission to the institution are represented to be violent are allowed to associate with the others until, by some mad outburst, they prove, sometimes with dreadful results, the extent of their madness.

Keeper Byrnes, when put on the stand yesterday, told a plain story of the case. He said that he has been employed as an attendant in the Lunatic Asylum, on Ward's Island, since the 10th of last April. On November 28, about five o'clock A. M., he was startled by hearing some of the patients in the large room calling out, "Byrnes, Byrnes, there is a man killing another. Hurry up, he is choking him." Without dressing himself he hurried into the room and found Odenwald pressing a patient named Ritter upon his bed and clutching him by the throat, Byrnes attempted to drag the madman off. The latter was in a frenzy, and rising from the bed, clutched the keeper with a grip that made him writhe with pain. Frederick Lord, another keeper, was brought to Byrnes' assistance. He succeeded in separating them, Byrnes rising in an exhausted condition, while Odenwald went to bed again. Later on in the morning Byrnes was called to the room again by the report that Odenwald was lying upon the floor. He summoned Lord and they both succeeded in partially dressing the patient and placing him upon a chair. They left him there, but an hour after Byrnes found him in another portion of the hall in an unconscious condition. He says that he then told Lord to report the case, but believes that the doctor saw Odenwald only when he came to make his usual rounds. He also denies having ever used violence to Odenwald before.

THE VERDICT.

Other corroborative evidence was taken and the jury brought in the following verdict:—

"We find that Nathan Odenwald came to his death on the morning of November 30, from injuries received during a struggle with John Byrnes, on the morning of November 28; and we find that, while the said John Byrnes acted in self-defence, undue force was used by him and others. We also find culpable negligence on the part of both Lord and Byrnes, the attendants, in not assuring immediate medical attendance for a man who was evidently in a critical condition. We can find no negligence chargeable to any of the attending physicians. From the evidence submitted by the permanent physician we would respectfully suggest and recommend further and larger accommodations for patients afflicted as it appears the deceased was."

After the verdict was read Coroner Croker committed both Byrnes and Lord to the Tombs in default of $1,000 bail.

SUICIDE FOR LOVE.

In the house at No. 181 Sixth avenue, where young Carl Schmitz in a moment of pique formed the dreadful resolve of ridding the girl he loved of his presence forever and carried it into immediate execution, were yesterday assembled the witnesses in the case when Coroner Woltman came to investigate it. Florentine Schmitz, the sister of the dead youth, was there, and with her, seemingly more endeared by the sorrow which had fallen on them both, was Dora Beck, a comely young German girl, for whom the unhappy Carl had ended his life. More than once, while the Coroner was making inquiries, he was interrupted by outbursts of grief from the two young women and when a screen, which concealed the remains, was rolled away and the dead was shown, pale and wan but with the evidences of youth and beauty lingering about him still, the affliction of the female onlookers was heartrending. The story of Carl Schmitz's unhappy end was a simple one. There were no developments to startle, no peculiar narrative of ill-placed or ill-appreciated affection. There was only the strange revelation that a young man, in the enjoyment of health and strength, had been driven to the rash act by the exchange of a few unpleasant words with his sweetheart.

AN EX-LAWYER'S SUICIDE.

Edward A. Maurice, a gentleman thirty-nine years of age, who was for years favorably known as a member of the legal profession, but who for some time past has retired from active business, yesterday committed suicide by shooting himself in the head. He had entered his office at No. 46 Pine street during the absence of his clerk and shut himself in a closet where he put an end to his life. He was found in it, his head fallen upon his shoulder, the blood oozing from a wound in it and a pistol lying at his feet. Coroner Woltman was summoned to the place and there made an investigation of the case which will be presented at the inquest which is to be held to-day. Mr. Maurice had for some time resided at No. 40 Fifth avenue, where his wife and four children reside. He was in good circumstances and had no financial difficulties, but he had long been the victim of a disease which embittered all his pleasures and made him moody and dissatisfied with life.

"NUMBER TWO" GONE.

THE CHAMPION CRYING BABY DISAPPEARS FROM MIDGET HALL—A WORD WITH HER AFFLICTED SIRE.

It was a matter of general remark among the *habitués* of Midget Hall yesterday that No. 2 was missing. It should be understood that No. 2 has heretofore formed a very essential feature of the exhibition; in fact, she had become the most notorious baby in the room. Not that No. 2 constituted a formidable entry in the great baby competition; on the contrary, very few votes were thrown away in that direction. No. 2 was one of that class of infants formed rather to attract attention than admiration. She made no pretensions to beauty, dimples or small feet; but she possessed to a wonderful extent the faculty of making herself heard. Of all the splendid melodies that swelled from lusty little throats in Midget Hall No. 2's was by far the most impressive. She received general recognition for her vocal ability, and her mother received frequent offers from wealthy persons to send the child abroad for study (until the end of the exhibition). Well, No. 2 was missing, and thereby hangs a tale worthy of attention. It serves to denote that this matrimonial industrial exhibition has not been without its drawbacks. The absence of No. 2, while generally remarked yesterday, was not generally regretted. Perhaps no one but the writer took the trouble to inquire of the manager the reason for her withdrawal. That gentleman appeared good-naturedly confused on hearing the inquiry, and motioned the writer to the staircase, saying, "There's a man going out now that can tell you something about it."

ONE OF THE EXHIBITORS.

On reaching the street door "the man going out" was observed upon the sidewalk gesticulating threateningly toward Midget Hall. Observing the writer he thrust his doubled fists into his coat pockets and turned down Fifth avenue. He was a shrunken little man, and appeared to be very much under the influence of hard times and general dissipation. There was nothing about his receding form to invite intimacy; but the writer was curiously prompted to follow him. Once by his side "the man going out" quickened his steps as if to avoid a disagreeable interview; but the writer hurried along with him, and the following conversation ensued:—

"Do you know anything about No. 2?"

"Should think I did; all about her."

"Perhaps you are her father?"

"Perhaps I am."

"She's not in the hall to-day?"

"No, sir."

"I have not the pleasure of knowing your name."

"Brown."

"Ah, Mr. Brown, don't you think we are walking rather fast? Suppose we go down the next street and take something together."

Mr. Brown at once slackened his pace and resumed a natural gait. It was apparent that "taking something" was one of his weak points. On entering the saloon he looked in a friendly manner at the decanters and after two glasses had been filled and sipped appreciatively he even attempted to be agreeable.

"Mr. Brown," the writer began.

"Excuse the deception. My name's not Brown; it's Doremus. I thought you was one of them newspaper fellers until you asked me in here."

"All right, Mr. Doremus; I'm glad the impression is corrected. The fact is I have taken a great interest in No. 2"——

"Have you, though?"

"And she seemed in such a fair way of getting the prize"——

"Was she, though?"

"That I wanted very much to know what had become of her."

Mr. Doremus was now thoroughly wound up. He finished his glass (which the barkeeper immediately refilled, according to instructions), wiped his mouth on a much soiled handkerchief and proceeded.

A FATHER'S STORY.

"That one of mine," said he, "has been exhibited for more'n a week. How she went there in the first place was against my will. She was the only child we'd got to home, and my wife, who had read the advertisement in the newspapers, says to me one mornin', 'John, we ain't doin' first rate and let's send Dolly' (that's No. 2) 'to the exhibition.' Then I got mad and says I, 'Jane, we may be poor, but we're honest. That young one of our's ain't goin' to disgrace her parents—leastwise not before she can talk. She can turn a hand organ in the street dimedy if she's got to, but she ain't goin' to no exhibition now, if I know it.' With that I went out of the house. When I came home at night Jane looked at me sorrowful and says:—'You didn't hear what kind of exhibition I was talkin' about this mornin'. It's a baby show on Fifth avenue, and Dolly can get a diamond watch for goin' there.' So seein' how my wife's heart was set on it I give my consent, and for a week there was nothin' talked about up home but how the baby was to be dressed. Our friends all came in to help along, and Dolly did nothin' but try on caps and frocks until the show opened. When she was all fixed up we took 'er to that hall yonder, and they called her No. 2. That night Jane come home lookin' pleased, and I asked her what had happened. 'Oh,' she says, 'I got such a compliment for Dolly from the manager. She was cryin', too (Dolly always cries when there's strangers 'round), and I was afraid the manager wouldn't like it. But he looks at Dolly, and then he looks at me and says:—"There's nothin' consumptive about that child, is there?" and then he smiled and winked at another gentleman right by. If he could only see Dolly at home, now, what would he think?' and Jane looks at me proud. Well (here's lookin' at you, sir), I used to drop in the hall every day to see how things was goin'. Last night there was a big crowd, and Dolly felt kind of low spirited and frightened of so many strangers and cried a good deal. Once or twice the manager says to Jane very politely, 'Madame, try to keep the child quiet.' But Dolly kept on in spite of all we could do. So pretty soon the manager come round again and yelled, 'Do shut that brat's mouth!' and all the other women with babies that was asleep heard it and giggled. Then I got mad and so does Jane, and we went out with Dolly without sayin nothin', 'cause there was so many people round I didn't want to make a muss then. This mornin', just before I met you, I went up to the manager and says:—

"'No. 2's gone.'

"'All right,' says he.

"'Gimme the watch,' says I.

"'That watch don't go out until next week,' says he, 'and your baby's only got one vote (Jane's sister put that in), while lots ov 'em's got a hundred.'

"'Oh,' says I, 'you're electin' a baby?'

"'Just so,' says he.

"'Then,' says I, 'you're a fraud!'

"'Take care,' said he.

"So I kinder softened, and says, 'Don't I get nothin'?'

"'Yes,' says he, 'you get—out.'

"And he looked 'round for a policeman and I come down stairs just as you see me. That's now it is, and them baby shows ought 'er be stopped."

The writer suggested a final drink, which Mr. Doremus accepted and walked mournfully homeward. How many watch pockets have been made for a month past that are doomed to be left untenanted?

NEWARK'S BABY SHOW.

In spite of the decampment of Ferdinand R. Porter, who had undertaken to manage the Newark baby show for the benefit of the Home for the Friendless, the entertainment will be continued by the resolute ladies who first suggested the charitable scheme.

THE CRESCENT AND CROSS BALL.

Next Tuesday night this society will give a ball at the Academy of Music for the benefit of the Turkish and Russian wounded soldiers. It is a good work and one that makes a strong appeal to the charitably disposed of the community. It has enlisted the services of many of our most prominent citizens and already gives promise that it will be the great social event of the season. The list of managers, both ladies and gentlemen, and it is an extraordinary one, is ample assurance of such success. Among those taking an active interest in the work are:—Mrs. R. M. Vail, President; Mrs. W. K. Vanderbilt, Chairman of Ball Committee; Mrs. C. L. Perkins, Secretary; Mrs. Thomas Hitchcock, Treasurer, and the following Vice Presidents:—Mrs. S. L. M. Barlow, Mrs. C. F. Chickering, Mrs. B. F. Corlies, Mrs. Edward Cooper, Mrs. O. A. Dana, Mrs. Del Monte, Mrs. Beach Grant, Mrs. Samuel Irvin, Mrs. John D. Jones, Mrs. Edward Kenneys, Mrs. Lawrence Kip, Mrs. Charles Livermore, Mrs. Edward Lukemeyer, Mrs. D. Colden Murray, Mrs. Edward Osthout, Mrs. George L. Rives, Mrs. Marshall O. Roberts, Mrs. James F. Ruggles, Mrs. Henry A. Robbins, Mrs. Gardiner S. Spofford, Mrs. W. B. Shattuck, Mrs. John Sherwood, Mrs. Paran Stevens, Mrs. Isaac Townsend, Mrs. Henry Trumbull and Mrs. Buchanan Winthrope. An important feature of the supper will be the thoroughly good quality of whatever is offered the guests and the remarkably cheap prices thereof.

A RELENTLESS ENEMY.

Two months ago Mrs. Brightman, wife of John Brightman, a pedler of notions and a resident of Rockville Centre, preferred a charge against her husband before Justice Betts, at Jamaica, of assault with intent to kill. When the time came for the examination she said that it occurred at Bay Shore, in Suffolk county, notwithstanding she had previously sworn that it had occurred at Rockville Centre, and the case was dismissed. Last week Mr. Brightman had his wife arrested for perjury. Upon examination before Justice Loser yesterday, finding herself likely to go to jail, she confessed that the charges that she had made against her husband were false, and that she had been bribed to make them and commit perjury by John D. S. O'Brien, who was to pay her liberally if her husband was sent to jail. Mrs. Brightman, after making affidavit to the above facts, was released. O'Brien is a resident of Rockville Centre and at the last term of the Queens County Court was indicted for subornation of perjury and will be tried at the December term. He is now out on bail, but will be rearrested on this, the second offence.

ASSAULTING HIS FATHER.

Edward Flynn was arraigned before Judge Murray yesterday on a charge of making two murderous assaults on his father, Joseph Flynn, while intoxicated the previous night. He was remanded for examination.

THE EXCISE WAR.

A Triumph for Liquor Dealers Before Recorder Hackett.

HIS EMPHATIC DECISION.

Additional Witnesses Before the Grand Jury—Proceedings in Jersey.

A bombshell was yesterday thrown into the camp of the liquor dealers' foes. It was, indeed, a grand field day for those charged with violations of the excise, who persistently claim that they are being ruthlessly persecuted, and when Recorder Hackett took his seat on the bench of the Court of General Sessions, Part 2, yesterday morning promptly at eleven o'clock, a breathless silence ensued. The court room was crowded to excess by those whose interests were so much at stake, and the proceedings in reference to the prosecutions recently instituted at the instance of Dr. Crosby's society were awaited with every manifestation of anxiety. It will be remembered that on Friday last several liquor dealers from Fordham were arraigned for trial on the charge of violating the Excise law, among them being George Simmons, James Thompson, Joseph Moore, W. W. Churchill, Jacob Cole, Patrick Nolan, Michael Cummins and Edward McCaffrey. By advice of their counsel, Mr. J. B. Haskins, they all tendered a plea of guilty, and sentence was postponed until yesterday in order to allow of the presentations of affidavits in mitigation of punishment. The accused are nearly all proprietors of what is known as "road houses" in the Twenty-fourth ward. When the cases were called Mr. Haskins read several affidavits. He then earnestly submitted that while the accused might be guilty of a technical violation of law the Board of Excise had collected nearly $250,000. Moneys collected by the Board had been handed to the City Chamberlain and through the proper channel had been distributed among the charitable institutions. He contended that if the moneys for licenses were paid in good faith and receipts obtained they had their claims against the Board of Excise. In other words, if the contracts were not carried out, the Board of Excise clearly obtained their money by false representations and the accused ought not to be punished for the neglect of the Board. He would add that the society, which was persecuting these men, would be very loth to contribute toward the support of the widow and orphan, as the money of the defendants had done. He was there as the friend and neighbor of the accused, not as their paid counsel, to defend them against the persecutions of a society gotten up for political purposes.

Assistant District Attorney Russell submitted a statement from the Board of Excise to the effect that William Churchill, of Kingsbridge road, made application on November 24 for license to sell ale and beer and had his receipt; that Joseph Moore, of Kingsbridge road, filed an application on November 26 for a license and had his receipt; that George Simmons applied December 3 for a license to sell liquors, not to be drunk on the premises, and had his receipt for $50, and that James Thompson applied December 3 for a license and obtained his receipt for $75.

THE RECORDER'S JUDGMENT.

Recorder Hackett, in delivering judgment, said:—The affidavits which have been presented in mitigation of punishment I have carefully read. They convince me I ought to postpone the sentence upon Simmons, McCaffrey, Thompson, Churchill and Moore, for the reason that they in good faith deposited moneys with the Excise Commissioners on their respective applications for license, which the Commissioners received, and the parties believed they were not offending by selling and were right so to believe by the action of sworn officials. Every day that this money was withheld from these men by the great treasury of the city of New York intensifies the wrong which the Commissioners have substantially done these men. I will, therefore, discharge them on their own recognizance. The affidavit of Cole induces me to refuse to entertain his plea of guilty and to allow him to withdraw it. If his affidavit is true, and the jury should believe it, he would and ought to be acquitted. But Cummings and Nolan offered no particular mitigation except ignorance, which, of course, is no excuse for the commission of a crime. I do not, however, feel justified in inflicting upon these men, who lived in the extreme suburbs, a severe penalty, and so make them scapegoats, when so many others should be punished who wilfully defy the law and for whom exemplary punishment should be reserved and meted out. In the cases of Cummings and Nolan I direct a fine of $10 each, and the usual commitment in default of prompt payment. I have every confidence in the statement made by you, Mr. Haskins, from my long acquaintance with you, and knowing you to have lived so long in the district from which these men come you are well able to judge of their character and standing. You come into this court and advocate them as good men, and I am therefore impressed with your statement. Simmons, Thompson, McCaffrey, Churchill and Moore are, I repeat, discharged on their own recognizances.

LATE INFORMATION.

At the conclusion of the Recorder's remarks, which were received with evident signs of gratification by those in court, ex-Judge Culver, counsel for the Society for the Prevention of Crime, rushed into court, in almost a breathless state, and said:—

"Your Honor, why, these men have gone on selling with their eyes wide open. The society I represent——"

Recorder Hackett—Do you charge these men with having committed perjury? We have had here the sworn affidavits of these men.

Ex Judge Culver—But, Your Honor, I have information that——

Recorder Hackett—Well, sir, I don't care what you have. You are sensible and old enough to know that your information may be all wrong, while, on the other side, here are the sworn affidavits.

Ex-Judge Culver—They have ex parte affidavits.

Recorder Hackett—Well, if they have sworn falsely they can be indicted for perjury.

The accused and the officers of the society then left the court, each party, however, in a very opposite frame of mind.

EXCISE COMMISSIONERS.

There was no meeting of the Board of Excise Commissioners yesterday and the number of applicants for licenses was unusually small. It was ascertained at a few prominent sources of information by a HERALD reporter, that the matter of the proposed alteration and modification of the Excise law, after being fully discussed, seemed now to assume a somewhat definite form. It would appear that many of those having a large pecuniary interest in the liquor trade who are taking an intelligent view of the situation accept as a foregone conclusion that no modification can be had which will authorize the keeping and maintaining places of the character of corner barrooms and bucket shops. Nor can it be expected that any change will be effected in regard to sales of liquor or beer on Sunday, or to the hours between which it is now forbidden by law to sell—viz., from one until five o'clock A. M. Among the class of dealers first alluded to the desire seems to be to render the trade as reputable as possible in the eyes of the community, and by a willingness to conform to reasonable regulations in conducting business obtain general public favor and disarm their more fanatical opponents of their strongest argumentative weapons.

THE GRAND JURY PROCEEDINGS.

Alluding to the letter written by Oliver Cotter to President Morton, of the Board of Excise, and published in the HERALD of yesterday, Mr. William H. Mundy, counsel for the Law and Order League, last evening said:—"I am at a loss to understand the drift of it. If Mr. Cotter refers to the State League in saying that that organization had made no effort to secure the indictment of the Excise Commissioners, why, that I believe to be true. But if he includes the City League, then I don't think the inferences to be drawn from his letter would be strictly correct, that association having given me discretionary authority in the premises. Certain it is that the Grand Jury has the matter under serious consideration, and on Monday two additional witnesses were summoned before that body to testify. These were Frederick Hollander, proprietor of the saloon in the basement of the *Staats Zeitung* building, and C. C. Chilus, clerk to the Board of Excise. Now a case has been reported to me in which it is set forth that the Board of Excise, since the decision of the Court of Appeals, has granted a hotel license to a person keeping a small eight feet by ten feet liquor store. Indeed, my informant said there was not room for even three bunks in the place. How true this may be I know not; but if I find it to be a fact I shall be compelled, in obedience to instructions from the Grand Jury, to lay the matter before them."

In regard to four of the persons who were yesterday arraigned before Recorder Hackett for violation of the Excise law Commissioner Morton informed the writer that Churchill and Moore had applied for beer licenses on November 24 and November 26, respectively. Simmons applied for a storekeeper's license on Monday last, as did also Thompson on the same day for a hotel license. All four have yet to file their sureties before their applications can be acted upon, as the Board cannot, of course, grant a license until this formality has been complied with. In view of this Mr. Morton, for himself and his associate Commissioners, disclaimed any delay on their part in the matter.

It was hinted yesterday afternoon that the Board of Police Commissioners would in a few days issue an order making it obligatory on police captains to enforce a more rigid compliance with the Excise law; but the information could not be traced to any authentic source.

UNSCRUPULOUS LIQUOR SELLING.

In the Court of Special Sessions yesterday Adolph Ahrens, the proprietor of a lager beer saloon, was fined $25 for selling two glasses of beer to a boy twelve years old, named Edward Moran. The boy got intoxicated and was arrested, and Justice Bixby, before whom he was brought, ordered a complaint made against the dealer.

THE WAR IN JERSEY.

The December term of the Hudson County Court was opened yesterday at Jersey City, Judge Knapp presiding. After setting forth a light jail calendar the Court observed:—

We think it our duty to direct your attention to the violation of positive law, which it is represented to the Court exists quite generally in this county. In directing your attention to this matter the Court feel bound to state that very little notice has been paid to it heretofore. I mean the violation of those laws which relate to the retailing of intoxicating liquors. It has long been the policy of this and of most other States in the Union to regulate the traffic in intoxicating liquors. This is a subject upon which individuals do and rightfully may hold opposite views as to the propriety or desireableness of the sale and use of liquors. The phase of the question which is grounded upon moral, religious, social or physical views we have very little to do with.

No man, whatever his notion may be upon the general subject of the use of intoxicating liquors, can have any question as to what ought to be done in the enforcement of the law. It is for the best interests not only of society at large but for the best interests of those who are engaged in the traffic, and a rigid enforcement of the law everywhere would call from them commendation. So far as your duties are limited by law so far are you relieved from responsibility in the matter. There is a provision of law that where the sale of liquor or licensing of houses regulated by city ordinance and where the regulation of the sale of liquor on Sunday is made by ordinance, then the ordinary way of indictment is not the proper one; it is left to the city itself through its own ordinances to provide the penalty for violation. Now, in Jersey City there is regulation by ordinance for the licensing of inns and taverns, so that for any violation of the License law within the limits of Jersey City the Grand Jury will have nothing to do. There is a further regulation in regard to the sale of liquor on Sunday by an old ordinance within Jersey City; but as at present advised, so far as I have been able to examine the laws and the ordinances on the subject, I give the Grand Jury the view that, so far as old Jersey City is concerned, that is excluding Bergen and Hudson City, the ordinance in respect to the sale on Sunday is in force, and, therefore, the Grand Jury has nothing to do with that, and I speak only now of the indictment for the unlawful sale of liquor. By general law, where it is in operation, each offence, the sale of a glass of liquor, is the subject matter of indictment, and in that view and to that extent old Jersey City is exempt from the action of the Grand Jury, even in the case of sale on the Sabbath. But there is another rule of law that is general in its application to this county, and that is the habitual sale of intoxicating liquors, beer, wine or strong drink; the keeping open of the house and selling on demand is a disorderly house. There is no doubt about this law. It has been declared over and over again by the courts, and it will be your duty, gentlemen, if you find that any persons keep their houses open for the sale of intoxicating liquors on Sundays to indict them for keeping disorderly houses. The Grand Jury may now retire.

BUSINESS TROUBLES.

Daniel Kelly, an extensive carpet and furniture dealer at Nos. 414 Sixth avenue and 512 Eight avenue, has failed and disappeared, and every effort has been made by his creditors and the Sheriff's officers to find him, but without success. He was supposed to be very wealthy, and he recently informed some of his creditors that he was worth over $50,000 above all claims. Judgments were recently entered against him as follows:—Catharine O'Farrell, $18,259 26, Michael S. Madigan, $5,398 99; Charles Devlin, $6,170 53; J. F. Cropsey, $356 17. The Sheriff seized the goods in both stores, but nearly all had been taken away by creditors on replevin, and there appears to be scarcely any assets while the liabilities amount to over $125,000. Among the creditors are the following:—H. B. Claflin & Co., $14,813 17; E. S. Higgins & Co., $8,383 87; J. & J. Dobson, about $13,000; Joseph Wild & Co., about $6,000; Boyd, White & Co., about $4,500; Hadden & Co., $4,435 92; Thomas L. Leedom & Co., $2,830 01; W. R. Hunt & Co., about $2,900; Field, Morris & Fenner, about $2,500; Wilmerding, Hoguet & Co., about $1,600. Arnold, Constable & Co., W. & J. Sloane, Barlow Stevens, Alden, Sampson & Sons, Van Deventer & Hume are also creditors. An effort is being made by H. B. Claflin & Co., E. S. Higgins & Co., Hadden & Co. and Leedom & Co. to have him adjudicated a bankrupt, and Judge Blatchford, on their petition, has ordered him to appear before him on December 8, and the Sheriff has also been enjoined from taking any further proceedings toward collecting the judgments in his hands.

The proceedings brought by Messrs. Berry & Heiser, formerly brokers for Jay Gould, before Register Fitch for their discharge from bankruptcy have come to a sudden termination as far as Mr. Heiser is concerned. Mr. Heiser has never made any appearance, and knowing that a process of the Court was out for his examination he has been staying away so that he could not be served. Register Fitch has accordingly issued a decision dismissing the order to show cause, with a reservation that should he appear by December 14 in obedience to the order of the Court and be examined, as required by law, a motion may then be made three days after for a modification of the order or for its vacation. In the case of Mr. Berry, who has obeyed the order of the Court and submitted to an examination, a decision will be given on December 17.

Charles Martin, broker, at No. 16 Broad street, applied to Register Dayton, yesterday, for his discharge from bankruptcy, but opposition was made on the part of the creditors, and time was allowed in which to file their specifications.

Charles H. Mayer and Julian Sampson, composing the firm of Mayer & Sampson, liquor dealers, at No. 66 Warren street, have been adjudicated involuntary bankrupts on the petition of the following creditors:—Henry Feltman, $3,500; Emanuel Hahn, $2,075; Lehman Samuels & Brother, $304 02. Register Kelsham has called a meeting of creditors, to be held on the