

PICTURE SKETCHING FOUND NOT A CRIME

Court Hands Down Weighty Decision in Case of Illustrator Bailey.

SEIZED AS SPY SUSPECT

Not Even Disorderly Conduct to Draw Diagram of 42d St. Golf Course.

Making illustrations for popular magazines is not a felony; in fact, they can't even put a man in jail for being a magazine illustrator.

The incidents that led up to Judge McIntyre's decision happened last spring. Late in the afternoon of May 17, to be exact, in that tense period of stress incidental to the first flush of our war declaration.

Up to Vernon Howe Bailey stepped a cop, the same being none other than Charley Turk of the Traffic C. station. Policemen Turk took one look at Mr. Bailey's roughly blocked in sketch and cried, "To the station house for you."

"Put 'im in a cell, Mike," cried the lieutenant, which was done, and later he was taken out and arraigned before Magistrate Ten Eyck in the men's night court.

"I've known Mr. Bailey for ten or fifteen years," said Frank Lord, testifying as a character witness for his friend. "He's an illustrator."

"Gutty," said his Honor. "Sentence suspended."

Now Mr. Bailey had testified in his own defense that Officer Charley Turk had said to him before leading the way to the station house, "How do I know but you're making drawings to permit Zeppelins to drop bombs into Forty-second street?"

Magistrate Ten Eyck had decided that inasmuch as "these are times when officers must be very careful" he would have to find the defendant guilty of the charge of disorderly conduct.

Mr. Bailey left the night court plumb dazed, perhaps the first artist in the world who objected to having a cop or any one else say his drawings had stopped traffic on Forty-second street and the offices of his lawyers, Barry, Wainwright, Thacher & Symmers of 59 Wall street, and found them all in. He wanted that disorderly conduct charge stricken from an otherwise spotless record, said Mr. Bailey.

CONVICTION EXPUNGED

Yesterday Lawyer Herbert Barry appeared before Judge McIntyre with the papers in the case. The papers not only included letters from Secretary of the Navy Daniels to Admiral Fisher and other navy yard commanders asking the commandants to let the artist make sketches of a certain sort inside their navy yards—thus setting at rest forever Policeman Turk's suspicions, no doubt, concerning the artist's Americanism—but the papers brought into court yesterday also included the full face and best portrait of forty-second street and Eighth avenue which Vernon Howe Bailey was sketching when pinched.

Judge McIntyre heard Lawyer Barry's arguments and then looked at the sketch full in the face. One look at the drawing convinced Judge McIntyre it was not felonious nor a misdemeanor, whereupon Judge McIntyre in forthright fashion informed the world that Vernon Howe Bailey's conviction had been expunged from the records. And the artist went back to his studio at 14 East Sixty-third street again as pure and as free from taint as the driven snow.

BRINGS "SOUL MATE" HOME AND WIFE SUES

Man Asks Letter to Be "Elder Sister" Only.

St. Louis, July 17.—Mrs. Sarah B. Matlack was cast for the "soul mate" in the rearranged plan of life made by her husband, Elwood V. Matlack, and his soul mate, Mrs. Estelle Hamsley, according to depositions filed in Mrs. Matlack's suit for divorce in Circuit Court to-day.

Finding that Mrs. Matlack was not willing to give up her husband to his astral flame Mrs. Hamsley is quoted as then stating she loved Matlack so completely that she would go to him, in wedlock or not, and to take the place of the woman from May 19, when she first was casually introduced to Matlack, to the night he brought her home to introduce her to his wife and to make their unique plea, they had "scarcely been apart an hour."

Mrs. Marguerite Bookman, Matlack's daughter by his first marriage, testified for her stepmother. She told how Matlack brought Mrs. Hamsley to their home in Webster. Elwood V. Matlack, Jr., 17, told of seeing his father knock his mother down in their library. He said his father introduced Mrs. Hamsley to him as a person he "ought to get in closer touch with." He thought she was an aunt he had not previously met, he said.

ACTRESS KILLED BY SUIZOR

Mrs. Edith Simmons, known to the vaudeville stage as Edith Creighton, was shot and killed by a jealous suitor yesterday at Theatrical City, near New Brunswick, N. J. Her slayer, Leonard Morris, a theatrical electrician, then fired a shot into his mouth and died instantly. Mrs. Simmons is survived by two little children.

SOLDIERS' SPOKEN FRENCH

By Helene Cross

FOR JULY INVESTMENT

You cannot find a safer investment for your surplus funds than our First Mortgage Participation Certificates.

They are issued in sums of \$200 upwards and are exempt from personal taxation in this State. They are parts of a specific guaranteed mortgage on New York City property.

No investor has ever lost a dollar

LANDMARK LOST TO TRINITY CHURCHYARD

Old Tree Dies and Will Be Cut Down To-day.

Cut off from light and fresh air above by surrounding skyscrapers, and its sustenance limited below by subways and pipe lines, the old sycamore tree which stood in the centre of Trinity churchyard during the reign of kings and the administrations of all the Presidents has died, and yesterday workmen erected posts and tackle to bring the old tree to the ground without injury to the hundreds of tombstones which surround it.

When, in 1867, a grant was made under the title of the "Parish of Trinity Church" of a parcel of land described as "in or near to a street without the north gate of the city, commonly called Broadway," a forest of sycamore trees covered the place, broken only by a small clearing made for a graveyard.

The sycamores trees extended a short distance west to the Hudson River, south to the city gates, and to the north blended with the forests of northern Manhattan. If the tree which is to come down to-day was standing at that time, it was but a few feet high. Another which was cut down a few years ago showed evidence of being more than 100 years old. Now only six remain; tomorrow there will be five.

The sycamore will be taken down with care, for when all the remaining trees in Trinity churchyard shall have followed it, there will remain the old brown tombstones, some of them dating back nearly 250 years, with names which almost constitute a social history of New York city for two centuries. When the last sycamore goes these stones alone will remain; no younger trees can supplant them. The encroachment of modern city on the light, the air and the sustenance of those which have stood for 200 years will not permit life to their successors.

Berlin to mollify Argentines. BERLIN, via London, July 17.—Germany hopes that the affair of the torpedoing of the Argentine steamer Toro will be settled amicably, according to a semi-official note. This statement denies that relations had been broken off, the Government saying that it had not yet replied to the Argentine note.

Jersey Farmers Seek Boys

TRENTON, July 17.—Boys over fourteen years old are being sought to help harvest Jersey's crops. The boys will be cared for in camps under approved management and guaranteed satisfactory living conditions and supervision. The boys are urged to report to their County Superintendent of Schools at once. They will be paid good wages.

W. W. C. A. Wants to Go Abroad

WASHINGTON, July 17.—Formal application has been made to the War Department by the Young Women's Christian Association for permission to send an organization of women to France for welfare work among the soldiers similar to activities of the Young Men's Christian Association.

Two Killed by Train Weekers

CHARLOTTE, N. C., July 17.—Removal of rail spikes on the Southern Railway near Huntersville, N. C., to-day sent a local passenger train over an embankment, killing the fireman and a negro passenger, and injuring a dozen others. Special agents are investigating.

Girl Going to Serve Abroad

Miss Dorothy Jones, daughter of Mr. and Mrs. Frank H. Jones of Plymouth street, Montclair, N. J., has sailed for France, where she will drive one of the large circuit cars of the Young Women's Christian Association, and will assist in the distribution of materials in the vicinity of Paris. Miss Jones is the second Montclair girl to go to Paris for active service.

Wounded Paterson, N. J., Former Lunatic Confesses Crime

Peter Keyser, a wealthy wholesale confectioner living at 110 North Second street, Paterson, N. J., was awakened from a sound sleep early yesterday morning by some one tampering with the safe in the bedroom. Collectors for Keyser had turned in their receipts too late the day before for Keyser to bank the money, so he took several thousand dollars home for safekeeping.

Keyser crawled from his bed, and making his way on hands and knees to an adjoining room procured his pistol. Then he waited for the burglar. As the intruder entered the room in which Keyser was secreted, the merchant opened fire. With a yell of pain the burglar plunged down the steps and out the front door. Keyser, perched in a second story window, shot again, and once more the burglar screamed.

An hour or two after the encounter in the Keyser home Herbert Jensen, 25 years old, who since his release from the Morris Plains Asylum for the Insane two months ago has been wandering aimlessly about Paterson, arrived at the home of his sister, Mrs. Hetty Baker, which is three miles from the Keyser residence. He said he had been hurt in an accident, so Dr. William Fittleroff was summoned. When he found that Jensen had been shot in several places, one bullet piercing a kidney, he had the injured man removed to the Paterson General Hospital. He notified the police that the case was one that required investigation, and a few minutes later Jensen, the police say, confessed he was shot while robbing the Keyser safe. Jensen was reported in a dying condition at a late hour last night.

MELONS NOT WORKS OF ART; SALE STOPS

Auctions at 2 o'clock in the Morning Found to Be Against the Law.

Is a melon a work of art? Some epicures insist it may be catalogued as such if it is mellow and sweet and has been properly led. An authority in the City Clerk's office has decreed that a melon is merely a fruit or vegetable—he isn't sure which—and cannot be sold at auction under a statute which provides that works of art only can be disposed of at auction twist the going down and the coming up of the sun.

Ever since the California cantaloupe has been coming into the New York market to add to the joys of its citizens the Fruit Auction Company of 304 Franklin street has been selling at auction great quantities of melons. Because it is essential for the Saturday trade to get its produce early, E. L. Goodsell, one of the company's licensed auctioneers, has been starting his melon sales at 2 o'clock in the morning. This means that the melons are sold in the dark, because it enabled the retailer to stock up with melons before he loaded up with other things, and gave the officials of the city no time for early business.

It looked good to the auction company for the reason that the early business bird catches the trade worm. The 2 A. M. auctions on Saturday also meant that the sooner one begins to sell things the more one is likely to sell and the less one would have on one's hands to get rid of. And so the before daylight Saturday auction became popular with every one except, it is rumored, sundry produce commission men dealing in melons, who would make more money if the Auction Fruit Company wasn't around.

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