CALL CHOATE IN CASE

He Will Argue Elkins Law in New York Central Trial.

IS SECOND OF REBATE SUITS

Sugar Trust to Put Up Strong Fight, with Alton B. Parker in Charge of the Defense—Ex Post Facto Character of the Law Forms Basis of the Struggle—An Interesting Case.

New York, Nov. 14.—The New York Central Railroad Company was brought to the bar in the United States Circuit Court for the second time to-day, to stand trial on a charge of giving rebates to the American Sugar Refining Company. The case of the government was completed in remarkably quick time, and was ready to go to the jury, except for the summing up.

The most interesting development of the trial came at the close, when announcement was made that a recess in the trial proper would be taken in order that Joseph H. Choate might address the court on the constitutionality of the Elkins law, or rather its application to the charge on which the railroad is being tried.

Pay $26,000 Rebates.

This case alleges that making of an arrangement between L. M. Palmer, traffic manager of the American Sugar Refining Company, and F. L. Pomeroy, assistant traffic manager for the railroad, in July, 1902, prior to the passage of the Elkins law, under which the road is being tried, to give and take rebates of 6 cents a hundred pounds off the schedule rate of 21 cents on all sugars for Cleveland. About $26,000 was paid over by the road after the passage of the act on the rebates.

The railroad company contends that the Elkins act contemplated no punishment for illegal shipments in the past, even if the moneys thereon were paid after the law was passed.

There is a supplementary indictment against the American Sugar Refining Company, which will be brought to trial immediately after the present case is concluded. The indictments stand or fall together, and Mr. Choate will argue the point relating to the ex post facto character of the Elkins law on behalf of the two corporations.

Sugar Trust to Fight Hard.

It is understod that the American Sugar Refining Company will make a strong fight. Alton B. Parker has been retained, in addition to Mr. Choate, to aid in defending the case. Mr. Parker will have entire charge of the trial, assisted by John E. Parsons and other members of the firm of Parsons, Closson & McIlvaine, counsel for the trust.

The defendant has already demurred to the indictment on the ground which Mr. Choate will take up to-morrow in more extended manner. Judge Holt, who is sitting in all the rebate cases, threw out this objection. Nevertheless, the attorneys for the road pursued tactics which gave the impression that they expect to go free ultimately on the point of the non-application of the Elkins law to the alleged illegal transactions. The government, on the other hand, it is expected, will contend that the alleged payment was all the more illegal in view of the fact that the railroad might well have refused to pay over the rebates on the ground that it was then illegal to do so, although the arrangements for the payments had been made at a time when they are not illegal.

BOWLING SCORES LAST NIGHT.

DISTRICT LEAGUE.

Acme	1st.	2d.	3d.	Saeng'd.	1st.	2d.	3d.
Cotton	179	173	138	Alleson	165	189	169
Warren	145	173	227	Krauss	204	185	161
Rice	143	181	176	Eckstein	189	199	225
Gorman	145	162	182	Crist	169	200	164
Hardie	157	156	139	Miller	121	158	172
Totals	769	865	862	Totals	898	961	891

DEPARTMENTAL LEAGUE.

C. and L.	1st.	2d.	3d.	G. P. O.	1st.	2d.	3d.
Gorden	176	181	137	Brown	180	172	168
Koehler	121	129	138	Williams	130	185	154
Van Buren	84	92	123	Fitzwilliam	123	163	149
O'Donnell	152	171	150	Atkin	179	181	161
Williams	185	176	179	Heinold	148	173	155
Totals	728	719	723	Totals	810	884	767

CHURCH LEAGUE.

Sixth.	1st.	2d.	3d.	Marvin.	1st.	2d.	3d.
Fish	141	127	132	Hawke	127	192	165
Ball	147	135	149	McCarty	101	94	149
Litchfield	131	122	111	Hixson	112	163	141
Brown	133	110	170	McDonald	123	172	161
McLennan	146	166	148	Brayshaw	177	175	173
Totals	698	658	705	Totals	643	798	799

REAL ESTATE LEAGUE.

Assessors.	1st.	2d.	3d.	Lawyers.	1st.	2d.	3d.
Barr	189	180	149	Maedel	142	172	169
Myers	145	178	158	Beaty	199	167	151
Loeffler	144	173	155	Whitney	194	177	192
Hunt	170	169	160	Bishop	203	189	151
Akers	197	173	188	Ingham	148	148	160
Totals	845	873	825	Totals	886	838	837

RAILWAY LEAGUE.

Nor. East.	1st.	2d.	3d.	Eastern.	1st.	2d.	3d.
McKinney	152	162	123	Dodson	157	183	147
Barton	145	141	153	Bennett	135	144	145
Hines	144	158	151	Burrough	99	140	135
Hedrich	164	139	126	Wynkoop	155	192	152
Skinner	173	199	159	Crosby	137	137	191
Totals	758	802	699	Totals	692	796	769

NAVY YARD LEAGUE.

E.G.C.S.	1st.	2d.	3d.	Gunshop.	1st.	2d.	3d.
Melchoir	144	111	113	Kleser	192	157	116
Cleaver	114	126	163	Clift	96	122	171
Windsor	139	129	162	Barnett	122	145	109
Jordan	168	125	98	Woodside	113	151	127
McCormick	174	149	184	Doyle	162	172	141
Totals	724	645	729	Totals	689	753	664

BOWLING SCHEDULES.

DEPARTMENTAL LEAGUE.
(Palace Alleys.)
Thursday—Interior vs. Commissioners.
Friday—Post-office vs. Treasury.

DISTRICT LEAGUE.
Thursday—Florists vs. Garrisons, Rathskeller Alleys.
Friday—Orientals vs. Florists, Palace Alleys.

PRINTING OFFICE LEAGUE.
(Palace Alleys.)
Thursday—Cowboys vs. Foundry.
Friday—Actives vs. Moroccos.

PLATE PRINTERS' LEAGUE.
(Brandt's Alleys.)
Thursday—Washington vs. New York.
Saturday—Chicago vs. Philadelphia.

BINDERS' LEAGUE.
(Royal Alleys.)
Friday—Blanks vs. Stampers.

SUNDAY SCHOOL LEAGUE.
(Y. M. C. A. Alleys.)
Friday—Foundry vs. Mt. Pleasant.

REAL ESTATE LEAGUE.
(Palace Alleys.)
Friday—Columbia vs. Potomac.

RAILWAY LEAGUE.
(On own alleys.)
Friday—Lighting Company vs. Northern.

NAVY YARD LEAGUE.
(Capitol Hill Alleys.)
Thursday—West Gun Carriage vs. Tool Shop.
Friday—Erecting Shop vs. Forge Shop.

INTERDENOMINATIONAL LEAGUE.
(Royal Alleys.)
Friday—Westminster vs. Fifth.

Y. M. C. A. LEAGUE.
(On own alleys.)
Thursday—Goodman vs. Roberts.
Saturday—Cooke vs. Jordan.

DISTRICT DUCKPIN LEAGUE.
Thursday—Arlington vs. Georgetown, Dobbert's Alleys.
Friday—Walk Over vs. Southerners, Fat Men's Alleys.

COMSTOCK'S BLUFF FAILS.

New York Reformer Meets His Match in Humble Policeman.

New York, Nov. 14.—Anthony Comstock and a cop had a scrap in the Tombs Police Court this afternoon much to everybody's amusement. Comstock had a case, and as usual hustled up on the bridge and tried to get in ahead of several policemen who were waiting in line with their prisoners. Policeman Lowenthal, of the Old Slip station house, couldn't see why Comstock should take precedence, and declined to get out of the way.

"Get out of my way, you loafer!" Comstock commanded.

"Get out of your way? Who are you?" retorted Lowenthal.

"I'm Anthony Comstock, that's who," replied Anthony, getting very angry.

"Well, Tony, it's into the line for you; you've got to take your turn like the rest of us. We've all got other business," said the policeman.

"Why, you loafer, you get out of my way. Why, why (very much more excited), I know what's the matter with you. I smell your breath. I've half a notion to report you to the commissioner. I——"

"Hats off! Order in the court!" shouted the bridge cop as Magistrate Moss appeared to begin court.

Then Anthony took his place in the line humble and meek. Lowenthal has a record of never having used intoxicants or tobacco.

ASKS DELMONICO RECEIVER.

Executor of Will of Restauranteur Appeals to Supreme Court.

New York, Nov. 14.—Counsel for Albert Thieriot, executor of the will of Rosa Delmonico, to-day asked Justice Dowling, in the Supreme Court, to appoint a receiver for Delmonico's. The application is incident to the action against Josephine Crist Delmonico, niece of Rosa Delmonico, and principal of the Fifth avenue and Beaver street restaurants under her will, for an accounting.

The attorney said the solvency of the business was not brought into question by his petition, but that the move was made to prevent a return to conditions bordering on insolvency. The court granted Josephine Delmonico a week in which to file affidavits opposing the motion.

Josephine Crist Delmonico and her co-executor, Albert Thieriot, have not agreed well as to the management of the two restaurants. Thieriot had been the manager of both concerns, but under the will of Rosa Delmonico Miss Delmonico became the principal owner of the businesses and was intrusted with the management, which she proceeded to assume.

Thieriot objected, and employed accountants, who found that the methods were wasteful and extravagant; that there was no system or check, and that theft was apparent on all sides.

Miss Delmonico is charged with having, on November 1, been guilty of a breach of trust as surviving partner of the firm, and with having wrongfully converted to her own use the entire assets of the firm, claiming the right to do so by virtue of her partnership survivorship.

Fifteen Hurt in a Wreck.

Wildwood, N. J., Nov. 14.—Fifteen passengers were injured, two of them probably fatally, in the wreck of an express train on the Pennsylvania Railroad at Grassy Sound, near here, to-day. The train was bound from Camden, N. J., to this place. Spreading rails are blamed.

$130,000 Fire Loss at Florence.

Florence, Ala., Nov. 14.—Several large business houses were destroyed by fire to-day and a number of others damaged by the flames. The loss was $130,000.

END OF FAVORS TO U. S.

German Tariff on American Goods May Go Up in June.

COUNTRY MUST RECIPROCATE

Tariff Treaty Government's Protest Against Admission of Goods from United States While No Agreement Exists—Experts Will Recommend Legislation—Dr. North in Charge.

Unless, as a result of the presentation to Congress of the report to be made to the President by Dr. North and his colleagues who have gone to Germany to study the tariff situation, some definite and lasting agreement is reached between the United States and Germany, the government at Berlin will surely put in force on June 7 next her maximum tariff on goods imported into Germany from the United States replacing the minimum rates now in effect.

Last year, when the new German tariff laws went into effect the minimum rates were extended to the United States until June 7, 1907, in the hope that in the meantime the government here would find a way to make such concessions to Germany as to warrant the granting by the government in Berlin of the lower rates for all time. The United States would thus receive the same treatment as the seven countries with which Germany concluded reciprocal treaties.

Treaty Countries Object.

Even though Germany be willing to make further extension it would be impossible for her to do so on account of the treaties she has made with other countries.

As a matter of fact, Germany has already received intimations of displeasure from some of the treaty countries because of the granting of the minimum rates to the United States for the year which ends June 7.

Don't Know German Experts.

Dr. North has not informed the State Department who has been selected by the German government to meet the American experts in a discussion of the commercial relations between the two countries, but it is pretty definitely understood that two of the experts will be Herr von Kroener and Dr. Lehmann, of the Berlin foreign office, who were on the German tariff commission which concluded the recent treaties.

Von Buelow Hopeful.

Berlin, Nov. 15.—In a masterly oratorical performance, Chancellor von Buelow, at the session of the Reichstag Wednesday, said that the relations between Germany and the United States were without friction, and he was hopeful that a commercial treaty between the two countries would be arranged. Liberal leader Bassermann made a scathing criticism of the foreign policy of the government. He said that the Emperor was controlling the German policy single-handed.

Loaded Cars Are Burned.

Brenham, Tex., Nov. 14.—As a result of a fire on the Gulf, Colorado and Santa Fe Railroad, near here, fifteen cars of cotton, two cars of dressed meat, and considerable other property were destroyed. The loss was $150,000.

NEWS CUT SHORT FOR BUSY PEOPLE

Arguments in the case of the directors accused of wrecking the State Bank, of Canton, Ohio, were begun yesterday in the Supreme Court of the United States. They will be concluded to-day. Yesterday a brief outline was made by Attorney William L. Lynch, of Ohio, of the defense's position.

G. B. Frazier stopped work on the Anacostia Bridge yesterday long enough to light his pipe. He neglected, however, to move to a safe distance from a neighboring can of gasoline. He was treated for badly burned face and hands after the explosion, but his condition is not serious. Frazier lives in Woodland, Md.

Chief Justice Clabaugh yesterday signed a decree granting Mrs. Katie Beach a divorce from her husband, Frank H. Beach, on the ground of infidelity on the part of Mr. Beach. Mr. Beach and Mrs. Beach—that was—are given, each, the custody of one of their children, and Mrs. Beach was granted the right to resume her maiden name, Katie Norbeck.

Fifty pieces of tableware were found on the person of Ella Howe, whom Detectives Parham and O'Brien arrested yesterday. She says she is from Atlanta, Ga. When taken she was trying to dispose of some silverware on D street. The articles presumably were stolen from a number of New York and Saratoga hotels, where she has spent the racing season.

Through Ambassador Meyer, Michael Bebernoff, a well known Russian traveler, of St. Petersburg, has offered to the Smithsonian Institution a valuable ethnographic collection. The collection, which is the result of labors of over ten years, is very complete in many respects. It includes specimens of picturesque garbs of various branches of the Slav race and articles of native workmanship.

Dr. "Dickey" Dear, formerly well known in Central High School athletics, has been appointed a member of the resident staff of the Emergency Hospital as the result of a competitive examination. Dr. Glenn I. Jones has resigned from the staff and will enter private practice. Dr. W. L. Sheep will succeed him as house surgeon, and Dr. Dallas Sutton will succeed to Dr. Sheep's post of resident physician.

"Diseases in the Printing Trades" is the title of a paper that won for Dr. W. J. Manning, of the Government Printing Office, honorable mention in a contest conducted by "Das Internationale Arbeitsamt," or labor bureau. Essays were called for in an effort to improve the condition of health among printers, who are, it seems, particularly susceptible to blood poisoning. The paper also discussed the best methods of prevention and cure.

Denizens of the National Zoological Park are in mourning because of the death of the lion presented two years ago to President Roosevelt by King Menelik of Abyssinia. Menelik's original present included two lions. In the long journey from Africa one of the animals died, and the other received injuries which resulted in its death yesterday. Constant care by the Zoo officials since its arrival here failed to effect a cure, and it was decided to administer chloroform to end its suffering. The new stone building for small animals, which has been completed, will be opened tomorrow.

At the request of Judge William H. De Lacey, of the Juvenile Court, Commissioner West recommended that the police officials be directed to receive money from erring husbands and fathers who have been charged with nonsupport, suspending sentence on condition that they would devote a stated sum to the maintenance of their families. In a letter to Maj. Sylvester, Judge De Lacey said that many such delinquents receive their wages on Saturday evening after the adjournment of court and after the departure of the clerk from the courthouse. He asked, therefore, that they be permitted to turn over money at the station houses in which they are imprisoned in order to remove from them the temptation to spend.

Family Suffocated in Fire.

Coldwater, Mich., Nov. 14.—Mrs. Charles Mowry, aged twenty-one years, and her three children, Homer, aged six years; Louise, aged three years, and a baby of six months, were burned to death early to-day in their home on a farm at Batavia Station, six miles southwest of this city. It is thought that the mother and three children were suffocated while asleep.

Big Schooner Towed Into Port.

Lewes, Del., Nov. 14.—The overdue five-masted schooner Kineo, from Kahulin, Sandwich Islands, April 27, for Philadelphia, for whose safety grave fears had been expressed in shipping circles, was towed into port to-day by a tug that had picked her up in the Atlantic ocean. All were reported well on board.

TRUST PROBLEM OLD

Bishop Brewster Says Church Can not Ignore It.

BISHOP POTTER ON CRAPSEY

In Veiled Allusion to Noted Heresy Case, He Denounces Clergymen Who Do Not Hold to Their Ordination Vows—He Quotes the Letter of the House of Bishops.

New York, Nov. 14.—The 123d annual convention of the Protestant Episcopal Church, in the diocese of New York, was opened this morning in the crypt of the Cathedral of St. John the Divine, Morningside Heights, Bishop Potter conducting a communion service.

Bishop Brewster Strikes Trusts.

The sermon was delivered by Bishop Brewster instead of by Bishop Potter, as in former years. This was in commemoration of the consecration of the first American bishop of the Protestant Episcopal Church, Bishop Seabury, of Connecticut.

Bishop Brewster said in part:

"Conspicuous in the development of society during the last half century has been the growth of associations and combinations. Some of these have been with the express design of realizing human brotherhood.

"Of others that could not be said. With some good evil also has been wrought.

"The corporation is practically a new kind of individuality. Therefore, has the church not only to deal with individual persons, but also corporate Christianity cannot ignore the character and conduct of corporate bodies of men.

"She has still to bear witness against flagrant wrong and on behalf of righteousness. She has to show how men may share in responsibility for corporate action, to bring, as it were, an X-ray to penetrate the issue of a soulless corporation; to bring, as it were, an X-ray to reveal personal responsibility for dishonest dealing and exaction and lawlessness, for wrongs like child-labor, and the unscrupulous crushing of opponents.

"'It is only a new phase of the old problem of sin confronting the church, when men are confederate in a covenant that makes against righteousness."

Bishop Potter Hints at Crapsey Case.

Although Bishop Potter omitted his annual sermon, he made a short address, after calling the convention to order in the Synod Hall of the Cathedral House, adjoining the Cathedral, during which he referred to the position of men in holy orders who deny wholly or in part doctrines of the church. His remarks were understood by all to be a tainly veiled reference to the Crapsey heresy trial and to other trials which are said to be imminent in other quarters.

The bishop, who came out squarely for allegiance to ordination vows, said in part:

"In the pastoral letter addressed by the House of Bishops to the general convention of 1904 there is this sentence:

"'If one finds, whatever his place or office in the church, that he has lost his hold upon her fundamental verities, then, in the name of common honesty, let him be silent or withdraw.'

"With a curious ingenuity or obtuseness, these words have been interpreted as if they were not descriptive of two alternatives, but only of one."

THE COUNTERSTROKE

BY

AMBROSE PRATT,

AUTHOR OF "VIGOROUS DAUNT, BILLIONAIRE."

CHAPTER XXVI.

The End of Bosa Gracci.

At 3 o'clock on the afternoon of the day following there entered the harbor of Attala a large gray yacht, flying Italian colors at her peak. Anchoring near the mouth of the bay, a boat was instantly lowered, and Perigord, taking his place in the stern sheets, was rowed swiftly to the beach. He was met by Cressingham and Oeltjen, who presented their reports with speed and brevity.

Perigord complimented them on all they had achieved, and then asked to see the prisoner, to whom he said he wished immediately to announce sentence of death, as it had been determined in council to execute the count without delay and without trial. When the three gentlemen entered the count's tent the old man sat up and stared fixedly at his enemies. He had just eaten his lunch, the remains of which rested on a tray beside his mattress; consequently he was still ungagged, and free to speak.

"You may not remember me, sir," said Perigord. "It is so many years since we have met. My name is Perigord."

"You deceive yourself," replied the count; "I recollect you perfectly. Kindly ask your servants to leave us together. I have many things to say to you."

"Afterward, sir, perhaps; I have come to inform you that to-morrow at daylight you, Bosa Gracci, count ——"

"Prince!" interjected the old man sharply.

Perigord shrugged his shoulders. "Count d'Attala, will be shot. Five Italian officers will be your executioners. I personally obtained this indulgence to be granted you in deference to your undoubted rank, so that you may die in the manner of a gentleman. You may look, however, for no other favors."

The Count d'Attala replied with the most perfect composure: "You have done?"

"Yes."

"Then please comply with my request; also of your charity furnish me with a glass of wine. Your servants have helped themselves liberally to my belongings, but have treated me with niggard meanness. For days past I have endured the tortures of Tantalus, listening thirstily to the popping of champagne corks."

Perigord turned to his companions. "I pray you leave us, gentlemen; and please send me a bottle of champagne."

Cressingham and Oeltjen at once departed, and a sailor next moment entered the tent with the count's desideratum. Perigord filled a glass with the wine, then noticing how bound up the old man was, gave him the freedom of his hands. The count sighed gratefully and took a deep draught of the sparkling liquor, holding out eagerly thereafter his glass to be refilled. "Ah, that is good!" he cried; "it puts new life into my withered heart. Now I feel fit for anything."

"Death, count?" asked Perigord's deep voice.

"Bah, I am not dead yet, though I daresay I soon shall be, for I am in your power; but I shall give you a little trouble first. Hum, hum, let me look at you, my son. Sapristi, how old you have grown in these past fifteen years! Old and sad-looking. You have had a hard time chasing me; is it not so, Valdewar?"

Perigord started up as abruptly as though he had been shot on mention of that name, and he stared at the old man with incredulous amaze.

"How comes it that you know my name?" he demanded.

The count chuckled out: "Ha, ha! it surprises you. Hein! Oh, I know more of you than you think, my son!"

"Reserve such epithets for members of your family," said Perigord coldly; "thank God I am not your son!"

The old man smiled. "Your thanksgiving prayer is wasted, Valdemar—entirely thrown away. You may not relish the honor I paid you in creating you, but you cannot escape the fact, however much you choose to thank God." His voice and manner were so replete with insolent mockery that Perigord, strong willed and stolid as he was, involuntarily gave a shiver.

"You waste time," he retorted angrily; "you said you had much to tell me. Commence!"

"I have already. I have told you that you are my son."

"Liar that you are! My father has long been dead!"

"Your mother told you that on my direction. Sapristi, you do not credit me? Listen, then—nay, first tell me what you know about your parentage. I shall presently convince you."

Perigord gazed at his enemy, his eyes filled with disgust, and slowly shook his head. "Do you think I shall make of you a confessor?"

"Mule that you are!" cried the count with a sudden flash of rage. "Heed me well. Your mother was a princess of the house of Austria, by name Theresia Isabella. You were born in the Castle of Fitzhammerhaus, near Totna on the Danube, on the eleventh day of May, 18—. You were brought up as the child of Maria Nekka, your mother's tiring woman; it was not until you were eighteen years of age that you learned the secret of your parentage—that was when Theresia visited Totna, she thought, to die, although she afterward recovered. She was then the wife of the Grand Duke of ——, and mother of Prince Frederick, who you no doubt know is my colleague and a member of the Three."

Perigord's face turned slowly of an ashen hue. With a great effort he muttered: "You are acquainted with my family history, it seems."

The count sneered. "No one has a better right; but you are still doubting my words; I shall go into details. I met your mother twelve months before your birth. I was then engaged upon a mission from my old master Katusoff, the Pole, whose second in command I was, whose object was to gather together the scattered threads of anarchy in Austria and Hungary with the view to the formation of a lodge which might further disseminate the seed we wished to sow. It was at Budapest we met, at a state ball, for, although an exile then, I was well accredited and personable; I say it without vanity, few men were at that time more good to look upon than I. Well, Theresia fell in love with me. We met frequently, but always the eyes of the multitude were on us, for she was young, beautiful, and sought in marriage by a king. You remember the old saw—'Love laughs at locksmiths.' Ha, ha, ha! Theresia found a way to get her wishes. She fell ill and was ordered by her doctors to Trieste for change of air. There I followed her and we were married."

"What?" thundered Perigord.

"We were married," repeated the count, coldly. "We were married by a Romish priest——"

"The proofs!" cried Perigord. "The proofs!"

"Bah!" said the count, with a cold smile; "they would benefit you nothing. The marriage of a princess is always illegal unless sanctioned by her state."

"Nevertheless, I demand the proofs!"

The old man took from his inner pocket a bulky leathern case, from which he extracted a paper. "I have kept this on my person since the first day that I knew you were upon my track," he said, quietly. "No one can foretell the future, but a wise man always provides for it in the best manner that he can. You observe that my precaution has justified itself. Read!"

Perigord snatched from his hand the paper, which he found to be a properly attested marriage certificate between the princess, his mother, and the Count d'Attala. The date and everything about it corresponded perfectly with the old man's story. "My God—I thank Thee," he cried brokenly.

"For having found your father?" jeered the count.

"No!" replied Perigord, his eyes shining like stars. "But for having at length discovered that I was not born in shame! For thirty years I have thought myself a bastard! At last the stain is removed!"

"Bah!" sneered the old man with a bitter chuckle. "Undeceive yourself; that paper is utterly valueless; you are a bastard, for your mother's marriage was illegal."

"Not in the sight of heaven!" retorted Perigord, with a dignity that abashed the old man for a moment; but presently he rallied and muttered jeeringly: "Shall I go on with the story?"

"Yes."

"We left off at the marriage. Your mother was ill then, ha, ha! she remained ill for nine months, and so lost a king for a husband. You were born without scandal in her friend's house at Totna, and brought up as I have said. She subsequently returned to her father's protection, and shortly afterward married the grand duke. I consented to the match, and we remained friends up to the very date of her death. It was I who provided you on her solicitation with the fortune you subsequently wasted in endeavoring to destroy my work. It was she who first informed me of your mad enterprise, the secret of which you had fondly confided to her keeping. She told me of your change of name, and from time to time warned me of your doings. With one hand she pushed you on, helping you to power, and the friendship of those in power; with the other she wrote me long letters advising me in detail of your doings. I lost a good friend when she died. I can tell you, Valdemar. In order to replace her and keep a check on you, I was forced to seek out her second son." (He sneered bitterly.) "Ah, well, he was not hard to seduce; the fellow was already a gambler and a thief; he readily fell in with my suggestions; I married him to my daughter, Katherin, with whom he had fallen madly in love, and created for him a vacancy in the inner circle. Thus for the past two years I have played off brother on brother—a pretty plan, was it not?"

"It was the conception of a Satan!" stammered Perigord.

The count nodded and smiled as if a compliment had been addressed to him. "Ah, well, my son, in spite of everything, you have at last beaten me. In my old age you have bested me. The son of Bosa Gracci has conquered his father. The son of no other living man could have done it. I am proud of you, my son!" The words were uttered in a manner of such bombastic and fantastical conceit that they were really ludicrous, but Perigord shuddered at such praise.

"Evil man!" he muttered, hoarsely; "why have you told me these dreadful things?"

"Is it cold? You are shivering. Can you not see, my son?"

"For God's sake call me anything but that! No;; I see nothing."

The old man laughed grimly; then snarled out: "To think that I am beaten by such a blunt-witted creature! I who, at the age of a hundred and three years, have still a keener intellect than you, indeed than any living man," he added, vainglioriously.

"Answer me!" said Perigord.

"I shall, since time passes swiftly, swiftly. Every second is precious to the aged, my son, precious as gold. I have told you what I have told you for two reasons: firstly, because I hoped that the news would hurt you—cursed dog that you are, fool that I was not to strangle you the day that you were born!" The count's eyes glowed for a second with a fire of splenetic rage, as he spat out this sudden objurgation, but, quickly calming himself, resumed in a manner of superlative sweetness: "The second reason, my dear son, is that I wished you to arrange all the details of my escape from this scurvy gang of yours who have me by the heels. You see, I am old and feeble, so cannot help myself. I dislike troubling you, but after all, to whom should a man look for assistance if not to his own offspring?"

"You expect me to help you to escape?" said Perigord.

The count's thin lips curled scornfully. "Be content with having ruined me; do you wish to make yourself a parricide?"

Perigord's face went livid, then ghastly white, from the various emotions that were raging in his bosom. "Not that," he muttered brokenly, "my God, not that!"

"I am rich," said the count. "Assist me to escape, and I shall make you wealthy beyond your wildest dreams. The gold that you have taken from me I do not want. I know it is not for you; your council will claim it, greedy rogues that they are; kings are all greedy, and your share will be only small. But in Paris, in Vienna, Naples, Berlin, vast funds of mine are deposited. When I am free, I shall share these with you—when I am free!"

"You will never be free—you are mad to expect it," groaned Perigord. "To-morrow at daylight you must die; even I cannot save you; it is decreed."

"Nonsense, boy, you must save me."

"Ah, let me think!" Perigord started abruptly to his feet, his hand pressed tightly to his side.

"Yes, think—think of the wealth that will be yours if you assist me. Only thus can it be yours, for without me you can get none of it. I vow I would rather benefit the banks and let them keep the gold forever if you should prove so curst a son as to let me die. Think, Valdemar; it is your father who appeals to you—your father, boy."

"Your life has been too evil; you are not fit to live."

"I shall repent, for I am too old to engage in further wickedness. Assist me to escape, and in some secret corner of the world I shall spin out my few remaining days. Watch over me, guard me as you will, you will find that I shall do as I say; that my repentance shall be sincere. I swear to you, for a long while now I have felt remorseful of the past; you would not have me perish in my sins, unshriven, my son? Besides, if you are kind, when I die all I have shall be yours."

The old man had assumed an expression of sorrow, of profound humility, but a mocking demon lurked in the yes that watched Perigord so narrowly. He spoke slowly, choosing every word, and marking its effect; he was playing upon his son's heart as a musician would upon the chords of an unfamiliar instrument. "Well, my son?" he muttered after a long pause.

TO BE CONTINUED TO-MORROW.

DAILY COURT RECORD.

Supreme Court of the United States.

Present: The Chief Justice, Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice White, Mr. Justice Peckham, Mr. Justice McKenna, Mr. Justice Harlan, and Mr. Justice Day.

John W. Craine, of Canton, Ohio; Henry M. Huggins, of Hillsboro, Ohio, and Edmund Wilson, of Red Bank, N. J., were admitted to practice.

No. 468. William Sobey, petitioner, vs. Wilfred H. Holsclaw; leave granted to file reply brief for respondent on motion of Mr. E. M. Kitchen for respondent.

No. 97. Alabama and Vicksburg Railway Company et al., plaintiffs in error, vs. The Railroad Commission of the State of Mississippi; argument continued by Mr. Hannis Taylor and Mr. C. H. Alexander for the defendant in error and concluded by Mr. Harry H. Hall for the plaintiffs in error.

No. 105. The Board of Education of the Kentucky Annual Conference of the Methodist Episcopal Church, plaintiff in error, vs. The People of the State of Illinois; argument commenced by Mr. Charles H. Aldrich for the plaintiff in error, continued by Mr. Edward M. Ashcraft for the defendants in error, and concluded by Mr. Charles H. Aldrich for the plaintiff in error.

No. 446. Corwin D. Bachtel, plaintiff in error, vs. R. Frank Wilson, Sheriff, &c.;

No. 447. Corwin D. Bachtel, plaintiff in error, vs. R. Frank Wilson, Sheriff, &c.;

No. 448. Harvey H. Miller, plaintiff in error, vs. R. Frank Wilson, Sheriff, &c.;

No. 449. William L. Davis, plaintiff in error, vs. R. Frank Wilson, Sheriff, &c.; and

No. 450. Charles H. Van Horn, plaintiff in error, vs. R. Frank Wilson, Sheriff, &c.; argument commenced by Mr. William A. Lynch for the plaintiffs in error.

Adjourned until to-day at 12 o'clock.

The day call for Thursday, November 15, will be as follows: Nos. 446 to 450, inclusive; 60, 105, 108, 109, 110, 111, 113, 114, and 115.

DISTRICT COURTS.

Court of Appeals.

Present: The Chief Justice, Mr. Justice McComas, and Mr. Justice Robb.

William J. Scholz and Earl D. Babst were admitted to practice.

Patent Appeal No. 361. Larkin vs. Richardson; argument commenced by Edmund Adcock for appellant and continued by C. C. Linthicum for appellee, and concluded by L. A. Welles for appellant.

No. 259. Johnson Wynne Company vs. Daniel Thew Wright; rule to show cause ordered to issue, returnable November 23, 1906.

Assignments for to-day:

Patent Appeals Nos. 363, 364, 365, 366, 367, 368, 370, 371, 372, and 373.

Equity Court No. 1
CHIEF JUSTICE CLABAUGH.

Burkart vs. Seitz; receivers authorized to sell property. Complainant's solicitors, J. A. Burkart and C. W. Darr; defendant's solicitor, R. A. Curtin.

Maguire vs. Diggins; sale set aside and new sale ordered. Complainant's solicitor, Leon Tobriner; purchaser's solicitor, Wilton J. Lambert.

National Union vs. McGuirk; fund in registry ordered paid to defendant. Complainant's solicitor, W. B. Reilly; defendant's solicitors, Birney & Woodard.

Stock vs. Stock; trustees' report ratified and reference to auditor. Complainant's solicitor, W. E. Ambrose; defendant's solicitor, J. K. Roberts.

Gilmore vs. Gilmore; rule to show cause returnable November 23. Complainant's solicitors, N. C. Downs and Wolf & Rosenberg.

Strickland vs. Tucker; appearance of absent defendant ordered. Complainant's solicitors, McKenney & Flannery and William Heitz.

Trust Company vs. Cridler; appearance of absent defendant ordered. Complainant's solicitors, Birney & Woodard.

Richard vs. McKay; argued and submitted. Complainant's solicitor, D. Foster; defendant's solicitors, Birney & Woodard and Worthington, Heald & Fraley.

Shoemaker vs. Newman; W. J. Lambert and M. N. Richardson appointed trustees to sell; bond, $19,000. Complainant's solicitor, W. J. Lambert; defendant's solicitors, M. N. Richardson and John Ridout.

Beach vs. Beach; divorce granted, maiden name restored, and custody of child vested in complainant. Complainant's solicitors, Sheehy & Sheehy; defendant's solicitor, George P. Hoover.

Mathy vs. Johnson; decree for injunction and accounting and reference to auditor. Complainant's solicitors, Alexander & Dowell; defendant's solicitors, Meyers, Cushman & Rea.

No assignment for to-day.

Equity Court No. 2.
JUSTICE GOULD.

No assignment for to-day.

Circuit Court No. 1.
JUSTICE WRIGHT.

Virginia-Carolina Lumber Company vs. Eisinger Brothers; verdict for defendants for $67.77 (freight paid). Plaintiff's attorney, H. Winship Wheatley; defendant's attorney, Hayden Johnson.

Landvergh vs. Paul; jury respited until Monday. Plaintiff's attorneys, Poe & Putman; defendant's attorney, C. L. Frailey.

No assignment for to-day.

Circuit Court No. 2.
JUSTICE ANDERSON.

Dawson vs. Baltimore and Ohio Railroad Company; on trial.

Plaintiff's attorney, Alex Kilgour and Gittings & Chamberlain; defendant's attorneys, Hamilton, Colbert & Hamilton.

Assignments for to-day:

No. 62. Markwood vs. Menefee. Attorneys, Chapin Brown—George P. Hoover.

No. 159. Roche vs. Myers. Attorneys, Archer & Smith—Hamilton, Colbert & Hamilton.

No. 114. Conrad vs. Switzer. Attorneys, J. C. Adkins—H. P. Gatley.

No. 170. Doolan vs. Brightwood Railway Company. Attorneys, P. J. Ryan—J. J. Darlington.

No. 51. Walsh vs. White. Attorneys, H. E. Davis—Sheehy & Sheehy and M. J. Colbert.

No. 16. Ambrose vs. Potomac Electric Power Company. Attorneys, C. H. Merillat—J. J. Darlington.

No. 86. Scott vs. Herrell. Attorneys, Mackall & Maedel—Irving Williamson and W. Mosby Williams.

No. —. Morimura Bros. vs. Hagger et al.; and

No. —. Karagensian vs. same. Attorneys Tucker & Kenyon—Wolf & Rosenberg.

Nos. 100 and 142. Bishop vs. Masters. Attorneys, E. L. Gies—W. G. Gardiner.

No. 32. French vs. Capital Traction Company. Attorneys, W. J. Lambert—R. Ross Perry & Son and G. Thomas Dunlap.

No. 42. Totten vs. Baltimore and Ohio Railroad Company. Attorneys, Thompson & Laskey—Hamilton, Colbert & Hamilton.

No. 48. Bieber vs. Never-Stale Bread Company. Attorneys, Wolf & Rosenberg.

No. 136. Warwick vs. Glennan. Attorneys, J. A. Burkart—E. L. Gies.

Criminal Court No. 1.
JUSTICE STAFFORD.

United States vs. William Davis; setting up gaming table; verdict guilty; sentenced jail for two hours; appeal; bond, $100; Samuel Ross surety. Attorneys, A. S. Worthington, De Lancy Nicoll, and Herbert Barry.

United States vs. Charles Forrest, assault dangerous weapon; verdict guilty; sentenced penitentiary for three years. Attorneys, J. V. Coughlin—G. A. Berry.