

SLAYER OF SCHOFIELD ARRAIGNED

Dutcher's Preliminary Examination Begun at Madrone.

DR. HIGGINS GOES UPON RECORD.

Says the Killing Occurred Before the Hour Named by the Prisoners.

FLAWS IN THE STORY OF THE CRIME.

Officials Believe the Rancher Was Unarmed When He Met His Death.

SAN JOSE, CAL., Aug. 17.—The preliminary examination of the trio charged with the murder of George W. Schofield was begun to-day in the little courtroom of Justice Pinard of Madrone.

Three witnesses were examined and important testimony was made a matter of record, but a considerable portion of the time was taken up in legal skirmishes.

There is a rapidly growing belief that Schofield was unarmed when shot, and the prosecution made minute inquiries as to the position of the shotgun found near Schofield, and was very particular as to its distance from the body.

From the trend of the questions, it was evident that the theory that Dan Dutcher shot Schofield during the night and afterward laid the gun beside his victim is to be thoroughly exploded.

The first of the prisoners to be taken to Madrone was Dan Dutcher, who made the trip in a carriage, and was accompanied by Deputy Sheriff Gardner.

Mrs. Schofield and Irving Mann went by train, the widow being in charge of Sheriff Lyndon, while Deputy District Attorney Partridge kept a watchful eye over the son.

On the way to Madrone the boy was plied with questions, but nothing of importance was learned. He talked but little, and once he remarked pettishly:

"Everybody I see want to ask me questions."

As he sat in the corner of a big seat in the smoking-car he looked smaller and punier than ever, and, although 17 years old, no conductor would ever think of calling on him for more than half-fare.

His appearance is evidence of the truth of the stories that he has been compelled to do a man's work, the hard tasks having robbed him of a half-dozen years of growth.

He talks low, as if afraid to talk out, and his monotone is of the kind that comes to children who have been bullied or beaten into submission.

Only once on the trip did he brighten up. Looking out of the car window he saw a friend passing by and he leaned out and waved his hand with childish enthusiasm.

When the train reached Madrone Irving found his half-brother, George, a stocky, unglorious urchin of 12, awaiting him, and the two boys had a long talk over how things were getting along at the farm.

Mrs. Schofield has not yet fully recovered from the nervous prostration that followed the breaking down of the first story told by the prisoners, but she bore up remarkably well. She was accompanied on the trip by her sister, and it was the comforting assistance of the latter that kept the prisoner from breaking down.

The widow was dressed in deep black and wore a black veil, which was not raised during the day, but through its folds could be seen a pair of large dark eyes—eyes that told of a burden of sorrow. Mrs. Schofield's appearance was in her favor and she soon found sympathizers other than relatives.

To one woman she spoke of her life with Schofield and said he had treated her inhumanly from the first week of their marriage. Her parents had opposed the match, but she would not listen to them.

She thought Schofield would be a kind and affectionate husband, she said. She married him and paid the penalty, which was thirteen years of bitter repentance.

She referred briefly to the tragedy and insisted that Dutcher had killed Schofield while defending her life.

Dutcher, the slayer, was besieged by newspaper representatives when he got to Madrone, but at each direct question his gray eyes would twinkle with animal cunning and he would answer with a sort of rude stammer:

"Say nothing at all; you'll get nothing out of me."

Dutcher has a low forehead, a thin face, with a long straight nose and an open mouth. There is little or no expression to his eyes and take him altogether, features, attire and general bearing, he seems altogether characterless.

It is because of their personal knowledge of the individual that many people do not believe that the whole truth of the Llagas tragedy has yet been told.

Dutcher's determination was not to talk faltered once while he was waiting to be taken to the courtroom. When asked if Schofield was not killed at night instead of in the morning he replied:

"I tell you no. Schofield was killed at 5.30."

He said that during the three weeks he was at the ranch Schofield and his wife had serious trouble but once and that was on the day before the shooting.

He had not known of Schofield's threatening to kill his wife while he was there prior to that day and said he did not know what had happened before he came to the ranch.

Dutcher said he was sorry he had not at once acknowledged that he killed Schofield. His excuse was that he was "rattled" and did not know what to do.

After making the statements he began to talk of other things and declined to answer further questions.

Pinard's bench is of the plainest pine, commonly painted, and the courtroom is old and dingy. Over the bench is a man of the world and on the other three walls are portraits of those who intended to journey by land to sea.

In the center of the room is a billiard-table. This was pre-empted to-day by stenographers. Swinging above the table is a sign, "No credit on billiards." The table takes up a large proportion of the courtroom and leaves but little room for spectators.

Along the wall on both sides and in the back of the room are the seats for the curious and the interested. All seats and all the available standing room were taken to-day, and even the platform of the Judge was utilized as a seat for an anxious spectator.

The three prisoners sat in a corner of the room, and directly in front of them was their attorney, W. A. Schell. Mrs. Schofield listened intently to the proceedings at the beginning, but the legal routine was long and tiresome.

The strain was too great, and soon she laid her head on her sister's lap and closed her eyes. District Attorney Herrington and Assistant District Attorney Partridge were present to prosecute the case.

When court was called to order shortly after 12 o'clock, a short intermission was asked by the District Attorney. Assistant District Attorney Partridge stated that the prosecution was waiting to hear from Constable Fay of Morgan Hill, who had been out after witnesses. It was stated further that, owing to the absence of an important witness who had not been subpoenaed, the prosecution might ask for a continuance.

Attorney Scheller suggested that if Constable Fay would devote more of his time to getting witnesses and less to alleged punting of witnesses, there would be no necessity of asking for delays. This shot at Fay was in reference to the confession of Irving Mann, from whom Fay was the first to hear that Dan Dutcher killed Schofield.

A recess was granted. Constable Fay was heard from, and at 2 o'clock the prosecution announced that it was ready to proceed with the preliminary examination. At the request of Attorney Scheller an order excluding all witnesses from the room was made.

Attorney Scheller remarked that he did not, then object to the presence of the Sheriff, but he made an objection later in the proceedings. Assistant District Attorney Partridge replied that Sheriff Lyndon was in charge of the prisoners.

"There are enough officers without the Sheriff," said Attorney Scheller. "We have a right to pick our own officers," was the response.

"When the time comes," said Scheller, "we will make an issue of it."

The subject was then dropped. Sheriff Lyndon is an important witness, as he obtained Dutcher's confession.

Emil Menke, a teamster who resides on the Llagas about three miles from the Schofield ranch, was the next witness called. District Attorney Herrington conducted the direct examination. Menke was not a willing witness, but his story came out after a multitude of questions.

Stripped of immaterial answers to immaterial questions his testimony was as follows: "I was driving along the road that runs in front of Schofield's ranch on the morning of August 7. It was about 6:30 o'clock. As I was passing the house, Dutcher came out and stopped the team and told me Schofield had been shot. I asked him who did the shooting; he said he didn't know. I got off the wagon and went over and looked at Schofield's body. It was lying at the woodshed door. No one was near it. Mrs. Schofield was on the porch with her baby, and she was crying. The door of the shed was about a quarter open and I could see that the window in the east of the shed was wide open. Schofield's foot were between the door and the threshold, and his head pointed toward the house. His body was lying at an angle and his head extended out beyond the line of the shed. The feet were not over six inches from the threshold.

"I did not touch the body and don't remember whether it was bleeding. I noticed that there was a pool of blood back of Schofield's head. A shotgun was lying close to his feet, but I don't know whether it was cocked or not. The gun was about two or three feet from Schofield's feet, and I was at the same angle as the body. The muzzle pointed in the same direction as his head. On the inner side of the partly opened door was Schofield's feet, and the gun lay on the outer side. Schofield's hat was lying on the threshold of the shed door. I just took a glance at the place and did not look at things very close."

This concluded Menke's direct examination. He testified exactly an hour. On cross-examination by Attorney Scheller, the witness stated that Mrs. Schofield wanted to move the body into the house. As to the measurements he had given, they were not exact, but what he believed to be true. He had no recollection of whether he could say whether the blood under Schofield's head was fresh or not.

Charles A. Wright, who lives on the Llagas, about a mile and a half from the Schofield place, was the next witness. Wright had been drinking hard liquor before he went on the stand, and he seemed to care more for amusing the crowd than for making a direct statement of what he knew about the case. He testified "boiled down" so as to leave out all-tilted humor, was as follows:

"Irving Mann came to my place about 5:45 and told me some one had shot his father. He was crying so much I could not understand what he was saying. He said something about a man on a brown horse doing the shooting. I got my breakfast and then went and got a neighbor, William Adams, to go with me to the Schofield place. I got there at 7 o'clock, and it must have been 7:30 o'clock when Adams and I got to the house. There were two men there—Price, my next-door neighbor, and a man named Melonson, who, I think, lives in San Jose. I saw Schofield lying on the floor. I lifted the cloth from his face so as to see where he was shot. There was a shotgun near the body."

"Mrs. Schofield was near the porch and Price and Melonson stood near me. The body lay with the feet to the south and the head almost to the north and facing west. There was a gun lying near Schofield's feet, but I just noticed it, that was all. I could not tell whether it was loaded."

"I looked at the body and noticed that blood was oozing from one of the ears and there was a little blood from the wound under the body. I lifted the cloth my hand touched the man's face and I noticed that the face was cold. I did not see any blood flowing from the wounds. There was blood there, and where it had become exposed to the air it was clotted and had become hardened, and in spots it had become hardened. Rigor mortis had set in in the body. I think the body had been dead for more than three hours, as people at the place claimed. Yes, I think Schofield had been dead more than four hours—perhaps six hours, and possibly longer than that. He had not been dead long enough for decomposition, as that does not set in until rigor mortis has passed away."

Dr. Higgins gave it as his opinion that in the case of a vigorous man like Schofield being killed suddenly rigor mortis would not be so complete as it was when he was killed. It would take six hours, and it might take twelve hours.

SANTA ROSA IS ALL THEIR OWN

Hearty Welcome to the Young Men's Institute Delegates.

Escorted Through Streets Gay With the Colors of the Order.

Three Cities Already Striving to Win the Grand Council of Next Year.

SANTA ROSA, CAL., Aug. 17.—The Young Men's Institute colors—red, white and blue—appear everywhere in Santa Rosa to-night. Elaborately decorated street fronts are much in evidence.

"Like a Fourth of July celebration" is the only expression which gives any idea of the patriotic appearance of the city. Besides the bunting and flags flung to the breeze the triumphal arches, all ablaze with incandescents, turn the clear night into a blaze of light.

Nearly all the delegates and guests of

dered musical selections from the Court-house steps, which were brilliantly lighted with electric lights. The streets were thronged with visitors and citizens. Former pledges of friendship were renewed and new friends given a warm greeting.

In the morning the delegates will assemble at Odd Fellows' Hall, and from there, escorted by the local council and the Santa Rosa band, will march to St. Rose's Church, where a solemn high mass will be celebrated. The Rev. Father J. M. Cassin will be the celebrant and the Rev. Father P. Quill of Sonoma will be deacon of the mass. The sub-deacon of the mass will be the Rev. Father J. Rogers of Tomales, and the master of ceremonies will be the Rev. Father C. E. O'Neill of Novato. Archbishop Riordan will be present. He will be attended by the Rev. Fathers Meier of Healdsburg and O'Connor of Ukiah, and other priests will be in the sanctuary. The regular choir will be assisted by Miss Anna Roney, James C. O'Donnell and other well-known singers from San Francisco.

On the conclusion of the mass the delegates will proceed to the spacious Odd Fellows' Hall, where the sessions of the Grand Council will be held. The day will be taken up in effective organization and hearing reports of officers and committees. In the evening the ball will take place in the Athenaeum. One thousand invitations have been issued for this event. The committee in charge of the ball is composed of Charles Connolly, Lee F. Cumisky and John Plover.

The fight for the next Grand Council is expected to be a lively one. Los Angeles wants it, as do Santa Cruz and San Jose. The Los Angeles delegates say they must have it, and they are full of business and determination. If they do not succeed it won't be their fault.

Isidore B. Dockwiler of Los Angeles wants to be elected one of the supreme representatives. W. C. Noonan of Santa Rosa will be a candidate for grand di-

HAMBURG WINS ANOTHER STAKE

The Colt Adds Luster to His Already Bright Record.

Captures the Rising Generation Event at Brighton Track.

Kenner Stake Taken by Don de Oro at Saratoga-Salle Cluot Wins at 20 to 1.

BRIGHTON BEACH, N. Y., Aug. 17.—Six youngsters sported silk in the Rising Generation stake, which proved a mere gallop for the crack Hamburg, piloted by Willie Sims. In the third event Green Morris sprung a surprise with Sallie Cluot, which mare downed Belmar and Tom Cromwell at odds of 20 to 1. Two favorites only won over a lightning fast track.

Six furlongs selling, two-year-olds— Lambert 108 (Dean), 12 to 1. Pearl song 106 (Wapable), 12 to 1. Time, 1:14 1/2. Amer 113, Myrtle Harkness 110, Ed Kearney 108, Arbrooke 104, "Kin Menick 100, Pleasant 110 and Minnie Alphonse 94 also ran. *Favorite.

Six furlongs selling, two-year-olds— "Miss Tenny 101 (H. Martin), 4 to 5. Warrington 104 (H. Martin), 8 to 1. Oxnard 110 (Sims), 3 to 1. Time, 1:01 1/2. Medina 98, Abundant 104, St. Ives 104 and Zedira 93 also ran. *Favorite.

One mile, handicap— Sallie Cluot 100 (H. Martin), 20 to 1. Belmar 120 (Sloan), 7 to 5. Tom Cromwell 112 (H. Martin), even. Time, 1:40 1/2. Fair 109 and Brandy wine 105 also ran. *Favorite.

Rising generation stake, six furlongs— Hamburg 127 (Sims), 4 to 6. Central 122 (Sims), 5 to 1. Julius Cesar 110 (Penn), 13 to 1. Time, 1:15. Bouncing Brook 125, Bilestail 107 and Baryestone 122 also ran. *Favorite.

One mile and a quarter, selling— Marston 88 (Clemens), 4 to 1. Danlin 113 (Sloan), 1 to 2. W. H. 110 (Sloan), 3 to 1. Time, 1:47 1/2. Form 115, Marston 109 and Parmesan 105 also ran. *Equal choices.

One and a sixteenth mile, selling— Rey del Tierra 100 (Clemens), 4 to 1. Burlesque 111 (Perkins), 8 to 5. "Marian 112 (Sloan), 8 to 1. Time, 1:47 1/2. Form 115, Marston 109 and Parmesan 105 also ran. *Equal choices.

SARATOGA, N. Y., Aug. 17.—There were but three starters in the Kenner stake. Don de Oro, with Willie Martin in the saddle, made the running and won easily from Marcus Daly's Scottish Chieftain. The track was heavy and three choices met defeat.

Six furlongs, maidens— Courtship II 110 (Clayton), 5 to 1. Beater 107 (Trotter), 5 to 1. La Fontaine 105 (Beauchamp), 5 to 1. Time, 1:17 1/2. Fair 109, Fredrick 110 and Lindlay Murray 117 also ran. *Favorite.

Five furlongs, maiden two-year-olds— "Beau 112 (W. Martin), 7 to 5. Fern Osen 112 (Irving), 10 to 1. Time, 1:04. Corral 112, Gibraltar 112 and Lindlay Murray 117 also ran. *Favorite.

Kenner stakes, one and a half miles— Don de Oro 116 (W. Martin), 8 to 5. Scottish Chieftain 126 (Trotter), 10 to 1. Little Buck 112 (Veto), 10 to 1. Time, 2:45. Three starters.

Eleven-sixteenths of a mile, selling, two-year-olds— Arum 101 (Hewitt), 10 to 1. La Ventura 108 (Beauchamp), 4 to 5. Crockett 104 (Thorpe), 6 to 1. Time, 1:10 1/2. Lord 102 also ran. *Favorite.

ST. LOUIS, Mo., Aug. 17.—Of five events run off at the Fair Grounds favorites captured but two. The track was fast.

Six furlongs, maiden two-year-olds, selling— Babie 105 (Clemens), 5 to 1. Leaning 100 (Peckham), 4 to 1. Parson 102 (Forsyth), 10 to 1. Time, 1:17 1/2. Tully 95, Wild He 95, Prince Parmesan 100, Harry 109, Kingzelo 100, Presilver 111,00, Hedora 105 and Loughmuck 108 also ran. *Favorite.

Six furlongs, selling, two-year-olds— "Charley 105 (Hewitt), 7 to 5. Bon Mar 103 (Gibson), 7 to 5. Barrio 109 (Garner), 6 to 1. Time, 1:17 1/2. Tully 95, Wild He 95, Prince Parmesan 100, Harry 109, Kingzelo 100, Presilver 111,00, Hedora 105 and Loughmuck 108 also ran. *Favorite.

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win the purse hung up by the Olympic Athletic Club for his contest with Tommy McCune of Detroit. McCune received a blow on the stomach in the first round that knocked him unconscious. The seconds claimed a foul, but it was not allowed. In the meantime the crowd began to cry for McParland to fight Kid Johnson of Indiana, a colored man who was present to challenge the winner. McParland agreed and the two fought five brisk rounds. Finally McParland swung a hard one on Johnson's head and caught him with a left on the ribs, which put the negro out exactly as McCune had collapsed.

BOSTON BARELY LEADS. Hard Pressed by Baltimore in the Closing Games of the League Tournament.

CENTERS— W. L. R. (Clayton), W. L. R. Boston..... 65 31 677 Pittsburgh..... 43 51 457 Baltimore..... 62 30 574 Louisville..... 43 55 438 Cincinnati..... 52 30 574 New York..... 56 36 608 Brooklyn..... 50 44 531 Cleveland..... 50 44 531 Washington..... 38 55 408 Chicago..... 47 47 478 St. Louis..... 46 40 448

BOSTON, MASS., Aug. 17.—Boston 7, Washington 9. BALTIMORE, Md., Aug. 17.—Baltimore 12, Brooklyn 9. NEW YORK, N. Y., Aug. 17.—New York 10, Philadelphia 8.

Burley Nominated the Fight. WASHINGTON, D. C., Aug. 17.—At the Spa Athletic Club Pat Reedy, champion of the District of Columbia, and Dick Burley, champion water-weight of the Pacific Coast, fought thirteen bloody rounds. Reedy persisted in clinching and striking in the clinch. He forced Burley to the ropes time after time, and twice threw him clear through them. Once the crowd broke into the ring and the referee had to call time until the ring was cleared.

In the thirteenth round Reedy tried Burley three times in an attempt to disable him. The referee awarded the fight to Burley. Some toughs threatened the referee, but the best men present sustained him.

Jeffries Training for Choyznak. LOS ANGELES, CAL., Aug. 17.—At the gymnasium of the Los Angeles Athletic Club to-day Jim Jeffries began training for his match with Joe Choyznak.

"I'm frank to admit," said the big fellow of East Los Angeles, "that in going against Choyznak I'm taking the hardest yet. But I hope to win, and believe I will. I'm in good condition now and will be vastly better when I've put in several weeks here. Delaney will look after me, and some of my Los Angeles friends may assist him."

Momo Again Defeated. MONTREAL, QUEBEC, Aug. 17.—The Momo, the American twenty-footer, war again defeated to-day by the Canadian yacht Glencairn II. It was Glencairn weather, nearly a gale blowing. If the Glencairn wins the next race she wins the international trophy.

LUCKY BANKER WILSON. Recovers His Stolen Jewels and Gets a Clew to the Truducer of His Daughter.

NEW YORK, N. Y., Aug. 17.—Albert V. Sudden, formerly valet of Banker Richard T. Wilson of 511 Fifth avenue, father-in-law of Cornelius Vanderbilt Jr. and twenty times a millionaire, was arrested to-day, charged with having stolen money and jewelry to the amount of \$3000, on June 1, from the house of Wilson.

At police headquarters the prisoner made a confession to Inspector O'Brien, admitting the robbery and telling where the stolen property was hidden. In Sudden's possession were found letters which may be the means of the discovery of the person who annoyed the Wilsons with anonymous letters of a scandalous nature at about the time of the Vanderbilt-Wilson marriage.

Sudden against whom suspicion turned soon after the robbery, had left Wilson's employ last February. He was arrested through a friend of a detective, also named Sudden, who professed to establish a relationship to the ex-valet.

One night in a burst of confidence Valet Sudden told his new-found friend, who he called "Cousin," that he knew all about the robbery at Wilson's house, and that he had a lawsuit against Wilson. Several days later Valet Sudden gave his "cousin" a sealed envelope, on the back of which was written in lead pencil, "Please do not open; will see you."

The sealed letter and in it found a receipt for a package placed in a safe-deposit vault a day after the robbery. This afternoon the valet was arrested. After his confession the package was opened. It contained the missing jewelry and this note:

"Dear Alice: Please do not open this package by any means, as the contents are not mine. Put them in a good safe deposit vault. Lovingly, ALBERT.

"Dear Alice" was his sweetheart in England, to whom he intended sending the jewels. In his statement the prisoner said he had been in Wilson's employ for about fifteen months. He left on his own accord, he said, because of ill-treatment. The nature of the ill-treatment Sudden specified, but it was of such a libelous nature that the detective refused to make it public.

After the marriage of Miss Grace Wilson to Cornelius Vanderbilt Jr., on December 7 last certain newspapers published an article to the effect that scandalous stories about the bride were being circulated by means of anonymous letters, written on letter-paper of the Metropolitan and Knickerbocker clubs. Sudden says Wilson offered him \$1000 beyond his salary to hunt up the letter-writer. Sudden says that Mr. Wilson discharged him owing this \$1000 and \$30 salary, whereupon he brought suit, and finding that Wilson would contest the suit he entered his house and took the jewelry, intending to replace it when Wilson paid the \$1000.

In Sudden's possession when searched were found letters from a convict in the Columbus (Ohio) penitentiary declaring that Mrs. Vanderbilt and assuming that he was a man of high social standing. The