

PRICE ONE CENT.

NEW YORK, WEDNESDAY, DECEMBER 19, 1894.

PRICE ONE CENT.

DIVER FARGE GOES OVER.

For Lack of Witnesses the Trial Is Adjourned to Next Friday.

LAWYER HALE'S DIFFICULTIES.

A Second Recess Taken to Enforce the Serving of Subpoenas.

COULDN'T FIND TEKULSKY.

Ex-Surrogate Rollins Promises to Produce Him at the Next Hearing.

The farcical trial of Police Justice Diver was continued in the Court of Common Pleas this morning.

At 10.35 the court was called to order, and at once Lawyer Hale arose.

"I have no funds, if the Court please," he said, "to carry on this case, and I ask the Court to direct the District-Attorney to serve the subpoenas. I served the attachment on the Sheriff at 9.10 this morning, calling for the body of one of our witnesses, Terence Kenny (Tekulsky's bartender), but the Sheriff wants \$47 before doing anything."

"Oh, I'll pay the \$47," cried ex-Surrogate Rollins, "and let this farce go on."

This staggered Lawyer Hale, and in the midst of it Terence Kenny called out that he was in court, which caused laughter.

THE AUTOMATIC VINDICATOR.



Modelled After Connecticut's Automatic Gallows. Patent Applied for by John W. Goff.

timony had been introduced to substantiate the charges, and to warn the reluctant Diver from office. Diver, he said, did not apparently want vindiction, as he refused to allow evidence on the green-goods charge.

After a consultation the Judges were inclined to adjourn the case for a week, but Mr. Rollins said he would do all in his power to have Tekulsky and the other elusive witnesses on hand at

CAPTAINS TO THE BAR.

Date Set for Their Trials One After Another.

Schmittberger Will Lead Off the First Monday in January.

Ex-Ward Man Smith Skips Out and His Bond Forfeited.

In Judge Martine's room, Part I. of the Court of Sessions, this afternoon, police captains, sergeants and ward men were in evidence. They were there to have a day set for their trials.



EDWARD BURROUGHS. (Who Witnessed the Tekulsky-Diver "Shooting Match.")

DOMINION AT NEW ORLEANS.

At Good Odds Takes the First Race from Pisa.

(Special to The Evening World.) RACE TRACK, NEW ORLEANS, Dec. 19.—Splendid weather again greeted the large crowd attending the races here to-day. The going could not have been better, as the last time made in the various events shown.

The big field got away well bunched. Acosta, 107 (Holman) and Anna K. Adams, 112 (Harold) were the leaders. In the backstretch the lower turn into the stretch. In the last furlong there was a general clearing up. Bob Casman looked all over a winner to the last fifty yards, where Herman came with a rush and beat him half a length. Two lengths back Nicaragua finished third. Time 1:15.3-4.

RESULTS AT ROBY. RACE TRACK, ROBY, Ind., DEC. 19.—The races on this track to-day resulted as follows: First Race—Four and one-half furlongs—Won by Coronado 4/2 to 1 and 4 to 5; La Grippe second, 2 to 1 place; My Horse third. Time—1:10. Second Race—One and one-half furlongs—Won by Kirokoff, 6 to 1 and 2 to 1; Second Race—2 to 1 place; Long Tom third. Time—1:08. Third Race—Four and one-half furlongs—Won by Tom Rye, 2 to 1 and 2 to 1; Walkover second, 4 to 5 place; Cataraugus third. Time—1:15.2.

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M'LAUGHLIN SAID TO BE ILL. He Was Subpoenaed to Appear Before the Lexow Committee. Inspector McLaughlin, Chief of Detectives, was subpoenaed by the Lexow Committee to-day. The Inspector did not appear at Police Headquarters to-day, and it was said that he had reported ill. The Inspector was at Headquarters yesterday, actively engaged in business, and in the apparent enjoyment of his usual excellent health.

There were more rumors and reports in circulation about the prospective witness than ever before, and while every one was in the dark as to the exact

EXTRA.

ALLAIRE'S FLAT DENIAL.

The Captain Says He Never Received Money Collected for Protection.

DIDN'T KNOW IT WAS EVER PAID

He Owns a House Worth \$27,000 and Has \$4,000 in the Bank---Byrnes Accused of Bulldozing.

Police Capt. Allaire, who has been accused of receiving blackmail money, was placed on the witness stand before the Lexow Committee this afternoon.

He began his statement by saying he was made roundsman four days after his appointment, and four days later was made Sergeant.

Mr. Goff paid particular attention to Capt. Allaire's real estate investments. He owns a house at present worth \$27,000, he said, and has about \$4,000 in the bank.

When questioned about the collection of money paid for protection, the Captain flatly denied all knowledge of such proceedings. In fact, he said, he did not know that such money was collected, save from rumors which he had heard since he has been on the force.

His entire testimony was simply a flat repudiation of all the charges made against him by other witnesses.

Ex-Inspector Steers, who has been accused of receiving blackmail money, appeared in the Committee's room. He had not been subpoenaed, but was willing, he said, to go on the stand to testify.

John Marrett, a former agent of the Society for the Prevention of Crime, testified to-day that Supt. Byrnes had compelled him, by threats, to tell all he knew about the Gardner case.

Gardner, who was Superintendent of the Society, was accused and convicted of having extorted money from Lillie Clifton, for protection from arrest.

Marrett said he had never complained of the Superintendent because he feared he would be arrested on a manufactured charge, which, he said, was the case with Gardner.

Three Inspectors Subpoenaed. Inspectors Williams, McAvoy and McLaughlin were subpoenaed to testify to-day. Williams was the only one to appear and after a consultation he was excused for the day.

Serg. Taylor, who testified yesterday that he gave the money collected from policemen to Inspector Steers, was recalled to the stand. He denied the statements made by the ex-inspector to the

universal system of blackmail and corruption.

Inspector Williams Appears. The first incident of the day to attract attention was the arrival of Inspector Alexander E. Williams in the full uniform of his rank. He showed a subpoena to the doorkeeper, Officer Smith, who respectfully allowed his superior to pass.

The Inspector showed no signs of anxiety or nervousness, but quietly went over into the corner, and drawing out a newspaper from his pocket put on his eyeglasses and began to read industriously.

Later it was learned that Inspector McLaughlin had also been subpoenaed. He had not appeared in the room, however, up to a late hour.

Then came the further information that Inspector McAvoy had also been subpoenaed.

Several newspaper men went over and chatted with Williams. He talked cheerfully about the weather and various other topics, but would not say anything about his relations with the Committee, except to admit that he attended in obedience to a subpoena.

Capt. George Washburn came in at the same time and took a seat next to the Inspector, and they were the centre of observation.

THE NIGHT EDITION OF 'THE EVENING WORLD' WILL BE ISSUED TO-NIGHT AFTER THE ADJOURNMENT OF THE LEXOW COMMITTEE.

curiously as he bustled about and finally took his seat on the bench with Senators Bradley and Robertson, who had already arrived.

Ex-Capt. Cross and Capt. Westervelt were in citizens' dress. They greeted Inspector Williams effusively and Cross sat down and chatted gayly with his former superior. Not long afterwards Capt. Crockett, also in citizens' dress, wandered in and as he passed Inspector Williams made a slight inclination of his head. The Inspector looked him full in the face with a stony glance and never moved a muscle. Capt. Crockett sat down in the row further on.

Enter Capt. Strauss and His Wife. The next arrival of note was Capt. Strauss, who was put on the stand yesterday, but soon dismissed and told to be on hand this morning with his wife. Mrs. Strauss, a stout woman with dark brown hair, wearing a broad brimmed hat that surmounted with a bunch of nodding black plumes, accompanied her husband.

Goff and Fellows Consult. When Mr. Goff arrived Col. Fellows sought him out, and they had a long whispered conversation, in which both

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FAVORITES BEATEN.

First Choices Fail to Lead in the First Three Events.

Lakeview, Ontario and Eclipse Returned the Winners.

Increased Patronage at the Racing at Alexander.

(Special to The Evening World.) RACE TRACK, ALEXANDER, ILL., Dec. 18.—The weather was sun, the track good, the crowd large and the betting lively at Alexander today. Not a suspicion of winter had so far interfered with the racing, and as a result the patronage increases daily.

Sixteen bookmakers weighed in, the fields being large and well matched, with but few scratches.

FIRST RACE. Selling; four and a half furlongs. Starting. Betting. Best. H. P. P. Lakeview 110 (Johnson) 1-1 1/2 1 1/2 1 1/2 Eclipse 110 (Johnson) 1-1 1/2 1 1/2 1 1/2

SECOND RACE. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

THIRD RACE. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

FOURTH RACE. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

FIFTH RACE. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

SIXTH RACE. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

SEVENTH RACE. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

EIGHTH RACE. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

NINTH RACE. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

TENTH RACE. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

ELEVENTH RACE. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

Twelfth Race. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

Thirteenth Race. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

Fourteenth Race. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

Fifteenth Race. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

Sixteenth Race. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

Seventeenth Race. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

Eighteenth Race. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2

Nineteenth Race. Selling; six and a half furlongs. Starting. Betting. Best. H. P. P. Ontario 102 (Johnson) 1-1 1/2 1 1/2 1 1/2



LAWYER HALE. JUSTICE P. DIVVER. EX-SURROGATE ROLLINS. TRIAL OF POLICE JUSTICE PATRICK DIVVER.

Lawyer Hale then told about his futile attempts to serve Tekulsky, and called the latter's bartender, Edward Burroughs, who was present in the saloon last evening. He questioned Burroughs, but the latter evaded, telling where Tekulsky was, or, in fact, anything about him.

Under cross-examination by Mr. Rollins, Burroughs caused a laugh by saying that Mr. Hale had never served Kenny with a subpoena at all, but had instead served it by mistake on a reporter who happened to be in the store. Mr. Hale was tired, but looked more when the smiling Kenny advanced and said he was willing to be sworn.

"Is that the man you served?" asked Mr. Rollins, derisively.

"No," replied the Brooklyn lawyer, "that is not."

Kenny at once disappeared in the crowded court-room, and an instant later when his name was called, he could not be found.

Every one in court roared with laughter, while Lawyer Hale got furious. He said a trick had been played on him. Mr. Rollins replied that Kenny had a right to leave the court-room, as he understood Mr. Hale did not want him.

While Mr. Hale was talking Terry Kenny again entered the court. He was a bartender for Tekulsky at the time of the latter's row with Divver, but is not now. He testified that Divver occasionally frequented the saloon, and that he saw him there the day of the alleged assault, but beyond that he knew nothing.

George W. Cregler, clerk of the Morrisania Court, who testified on Monday, was recalled, and again questioned as to the days Divver attended that court, but nothing of consequence resulted.

Up to this time there was no sign of either Morris or Tekulsky or Henry J. Campbell putting in an appearance. It looked as if the house of cards erected by Mr. Hale had fallen, and he made a pitiful plea to the Court for help.

"If this case is dismissed," he said, "it will be the means of preventing further action on the part of the people, whom I represent."

"You say you represent the people," he said, "who do you represent?"

"I say the people will be stultified," was the reply. "They will have no remedy if this case falls, and I ask the Court to protect the people—to take such steps as will prevent a miscarriage of justice."

"Is Mr. Tekulsky now in court?" asked Justice Diver. "No," replied Justice Diver. "It is now 2 o'clock. This Court will take a recess until 3 o'clock, and do you, Mr. Hale, have your witness Campbell in Court at that hour."

once in order to have the case closed to-day. Mr. Rollins also said that in order to save time, and while Mr. Hale was waiting for them, witnesses would be called for the defense.

Then Mr. Rollins called John F. Harrison, one of the five who signed the charges against Divver. He said that he signed them under a misapprehension, in fact by a trick. Lawyer Hale put the paper in his hand, but it was never read to him, nor did he know its contents.

Charles E. Sprague, another of the signers to the charges, admitted that he knew nothing personally of the allegations. He had made the charges because he believed it his duty to do so. Recess was then taken until 2 o'clock.

After recess Mr. Hale informed the Court that he had spent a full hour since the morning session running hither and thither searching for Tekulsky, but could not find him. As a last resource he left the subpoena with his bartender and asked him to give it to Tekulsky.

ROGER A. FRYER. CHIEF-CLERK. HENRY J. DIVVER. JUDGES WHO ARE TRYING P. DIVVER.

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Justice Diver wanted to go over for a week, but Mr. Rollins positively stated that he would have the missing witnesses—Tekulsky and Campbell—in hand at the next hearing. He also fought hard against an adjournment.

Jeremiah S. Levy, who was tried in the Court of General Sessions some months ago for bribery, and who got a mistrial, was called. His case was put down to follow Campbell on trial.

The trial of Samuel Campbell was put down to follow that of Levy.

Investigative Sergeant Frink was put down to follow Campbell on trial.

Sergeant George M. Curtis, who wanted it set for the first Monday in February, was put down to follow the trial of Frink.

Ex-Capt. Doherty's trial was set after that of Frink.

The following were set in regular order as they appear: Ex-Sergeant George C. Liebers, James W. Jordan, Charles A. Parkinson, ex-Ward Man John Hoek, Richard Meehan and Edward Glennon.

When ex-Ward Man George Smith's name was called, no one answered. Lawyer House volunteered the information that he had heard Smith was out of town. On Col. Fellows's motion his bond was ordered forfeited and a bench warrant issued for his arrest.

Samuel Kahn, of Seventh street, was Smith's bondman. Smith was formerly ward man for Capt. Cross. His absence occurred, he said, it was said by those in the court-room that he had skipped. He was under indictment for bribery. His bail was \$500.

Charles A. Hess is Smith's lawyer. \$1,000 reward will be paid for information leading to arrest and conviction of the person or persons responsible for a late ransom payment. The surveyor of the city-roads house of Essex and Layton of Amsterdam are set for 2. Joseph L. Kavan, Counselor-at-Law, 134 Nassau st.



INSPECTOR WILLIAM W. M'LAUGHLIN.

showed great earnestness by their manner and gestures.

An Assistant District-Attorney Lindsay joined the group at the counsel's table, and there was evidently a serious matter under discussion.

It was then after 11.30, and every one in the crowded room was on tiptoe with expectation.

"The Committee is ready as soon as you are," Mr. Goff said the Chairman, in a quarter of an hour from noon. Senators O'Connor and Pound had meanwhile joined the committee.

Williams Keen, used.

"In a moment," replied the chief counsel, and at the same time one of the attendants of the Committee went over and whispered to Inspector Williams. He nodded and then picked up his overcoat and hat, shook hands with several

Mr. Strause.

(Continued on Second Page.)

THE PARKHURST FUND.

It Is Climbing Up to the Eight Thousand Dollar Mark.

The latest subscribers to the Parkhurst Testimonial Fund are Anson Phelps Stokes, \$50; Edward D. Adams, Haddock, Clark and Mrs. Cooper, \$100 each; Joseph H. Choate, Charles H. Harschall, M. Allan Starr, Le Grand H. Cannon, Hamilton S. Gordon, Mrs. William Brock and H. Murphy, \$50 each; Richard Watson Glider, Anna C. Allen, Dr. A. B. and Mrs. H. S. H. Schell, Robert Pardon, Thomas E. Bacterwald and Rev. Dr. S. H. Virgin, \$25 each.

The grand total now amounts to \$7,006.75.

SILVER DOLLAR INDICTED. Alderman Smith Will Have to Stand Trial for Stabbing.

"Silver Dollar" Smith was indicted by the Grand Jury to-day for assault in the second degree, committed on Dec. 4 on August J. Gioletin, the saloon-keeper.

Smith stabbed Gioletin in the hand after breaking into his barroom. Gioletin was very much put out because he was in a measure forced to go before the Grand Jury and testify against the pantana's friend.

A bench warrant was issued for Smith's arrest and he will probably be taken in this afternoon.

BYRNES NOT READY TO TALK. But He Denies Lexow Witness Marrett's Story.

Supt. Byrnes heard of the testimony given against him by John Marrett before the Lexow Committee to-day a few minutes after that witness testified.

The Superintendent immediately locked the door of his room at Police Headquarters, and together with Roundsman Flood commenced an examination of papers in connection with the affair. Mr. Byrnes was thus closeted for an hour, after which time he was seen by Mr. Marrett.

"All he says is untrue except that he did come to my house under false pretense. I have the proof of it in my possession, and have just looked it up. Where the Grand Jury comes I shall tell my story in the proper place."

At this juncture Supt. Byrnes absolutely refused to say anything more in the interview he spoke guardedly, selecting his words with care to reply to all questions by merely saying he was not at home to speak.