SAW MRS. GEORGE SHOOT.

TESTIMONY CONNECTING HER WITH THE MURDER OF SAXTON.

Woman Across the Street from the Scene says she Recognized Mrs. George, Whom she Knew, and Who Had Lingered About the Place Frequently—The Revolver.

CANTON, O., April 15.—The peculiar situation of a Mayor who by virtue of his office is also Chief of Police, serving in the capacity of counsel for a woman accused of murder against whom the police force was supposed to gather evidence, which has been suggested in earlier stages of the trial of Mrs. George, was put in part before the jury as evidence to-day in the trial of Mrs. George for the murder of George D. Saxton. Indirectly a recent Sergeant of police told of the Mayor sending him after the hidden weapon which the Sergeant found and to-day identified. The other leading feature of the trial to-day was the testimony of two eyewitnesses to the firing of two of the shots which took effect in Saxton's body and the almost direct identification of Mrs. George as the person who fired the shots.

Police Officer Willis and Police Sergeant Borland were not allowed to detail conversations they had with Mrs. George while she was in the city prison. The statements were not asserted to be confessions. It is understood that they were requests for counsel, and were to the effect that Mayor Rice was at that time and during some of the succeeding stages of the case one of Mrs. George's attorneys.

Mrs. Christena Eckroate, the wife of Joseph Eckroate, who runs the much-talked, of grocery store opposite the Althouse home testified to being acquainted with Saxton, Mrs. Althouse and Mrs. George. For a considerable time last summer she said she had seen, always at night, and probably as often as a dozen times, a woman walk back and forth on the sidewalk in front of the Althouse house and several times going up to the door to call to Saxton and ask if he was not soon coming out. This person she learned to know during a peace proceeding, brought by Mrs. Althouse later, was Mrs. George. Coming to the tragedy direct Mrs. Eckroate said she was at her home on the night Saxton was killed. She was at the supper table when she heard the first shot, and went to her bedroom. On reaching the bedroom she pushed the screen out of the window that she might lean out and get a view of the Althouse residence, almost directly across the street. She saw two flashes of a revolver fired by a stooping figure; the shots seemed to be fired toward the ground. The person walked away, then turned back and on reaching the spot where first seen stooped as if to pick something up, then turned away, walked leisurely down the sidewalk a short distance and, entering a vacant lot, ran and soon disappeared.

"Did you know who the figure or person was which you saw?" said the Prosecuting Attorney.

"It was Mrs. George."

Objection by the defence was overruled. In further questioning Mrs. Eckroate said she had identified the person as the one whom she had seen parading in front of the house before the peace proceedings, and whom she had recognized as Mrs. George. In cross-examination the defence did not materially alter her description of the scene witnessed from her window. The defence attacked her on the ground of being addicted to the morphine habit. She frankly said that she had been in the habit of using morphine for nine years, but that during the past six months she had only been taking it every other day.

The State drew from her that the use of morphine had not interfered with her in the discharge of all of her household duties.

Mrs. Laura Howig, Mr. Eckroate's daughter by a former marriage, said that on the night of the tragedy she was at the home of her sister, Mrs. Boron, who occupies a part of the Eckroate house. On hearing two shots nearby she went out to the gate of the dooryard. As she stood there looking toward the Althouse house she saw two flashes from a revolver and at the same time saw a form turn from the east and walk down to the corner of a adjacent alley. Then this form returned to where the flashes were seen, stooped over and turned away and soon entered a vacant lot and ran rapidly away. As the form turned from the steps she faced directly the grocery store across the street, from the windows of which some light shone.

"Have you at any time since that night seen that person?"

"I cannot swear to that, but I have seen the form"— To this defence objected, and the latter part of the answer was excluded.

Then followed a series of questions from the State as to identifying the form seen by the witness that night, all of which were objected to by the defence and sustained, until, under the ruling of the court, the State put the question in this form:

"Have you since seen the form of a person who resembles that person?"

"I have."

"Have you seen a person who resembles in figure and carriage the one you saw out there, and where?"

"Yes, sir; once in the courtroom and once in the back room of the Court House."

"And who was the person thus resembling the one you saw?"

"Mrs. George, the defendant."

This identification was admitted by the Court over the objections made by the defence. In cross-examination, she said that the night was rather dark; that she thought it was cloudy; that there was some shadow from the trees; that she saw only one form; that she could not swear positively that the form was that of a woman, but it wore a woman's dress.

J. G. Best and wife testified that between the hours of 6 and 7 o'clock on the evening of the death of Saxton, Mrs. Althouse, who is a sister of Mr. Best, was at their home, probably two miles from the scene.

William J. Hasler, until a short time ago Sergeant of Police, who found the revolver with which it was asserted the shooting was done, testified that one time last summer he responded to a call for officers from Mrs. George. She talked to him about arresting Mrs. Althouse and Saxton when they were together. She told him that they could get into the Althouse house through the coal hole to the furnace cellar. She added that she had got in that way herself on the morning of Oct. 10. He went to the northeast corner of High and South streets and felt under the cross-walk and found a revolver. He carried the revolver to his home, where he put it in an old stocking and hid it in the garret under the floor and kept it to Jan. 10, when he turned it over to the prosecuting attorney. He attempted to say in one of his answers to these questions that he got what he was sent for, but he was barred from saying this as well as from saying who sent him.

Shortly after this he visited the jail and had a talk with Mrs. George, which was admitted over the protest of the defence. He said he had gone at the suggestion of the prosecuting attorney and that his real object was to secure evidence. He said to her that he had found the revolver she had hidden at the corner of South and High streets, the one Mayor Rice sent him after, and asked her what he should do with it. She said he should see Mr. Weity about it and then see her again. The State by several questions sought to draw out from him what he had said in printed interviews, in substance that he had gone to this particular place to make the search on information given him by Mayor Rice, then one of Mrs. George's counsel, and under instructions of Mayor Rice to get the revolver and bring it to him, but all this was barred.

SECOND BRIGADE ENGINEERS.

Application Made to the Governor for Authority to Organize It.

An application has been made to the Governor, as Commander-in-Chief of the National Guard, through Gen. James McLeer of Brooklyn, for authority to organize the proposed corps of engineers for the Second Brigade. When the scheme was first put in shape it was announced that this application would be made as soon as applications had been received for membership in the corps of at least thirty-five satisfactory persons. Forty-four such applications have been received and accepted. Ten of the applicants are professional engineers and fifteen are engaged in technical pursuits.

The scheme for the organization of the corps has been carefully worked out, with a scheme also for its work of training, and the whole has the indorsement of Col. Gillespie of the United States Engineer Corps, Col. Griffin, late commander of the First Regiment Engineers, U. S. V.; Capt. J. E. Brady, Jr., of the United States Signal Corps, and others.

Three officers for the new corps have already been selected. These are First Lieut. Austin E. Allen, a former member of the Seventh Regiment and later Lieutenant-Colonel of the old Thirty-second Regiment; Second Lieut. W. D. Farrington, who was a First Lieutenant in the 147th Regiment, and before that an acting captain in the Thirteenth Regiment, and Second Lieut. L. H. Conklin of the Twenty-third Regiment. The corps has temporary headquarters in the squad room of the Third Battery Armory at 165 Clermont avenue.

Lake Front Exposition Bill Killed.

SPRINGFIELD, Ill., April 15.—The Legislature adjourned sine die at 3:12 o'clock this morning. One of the last acts of the Senate was to kill the Chicago lake front exposition project by tabling the Butler House resolution to pass the bill.

NOTES OF LEGAL EVENTS.

The decision by Mr. Justice Williams, announced on Thursday, directing the discharge of the indictment for murder against Roland B. Molineux, and the re-submission of the case to another Grand Jury, is particularly interesting and important as an enforcement of the rule that a Grand Jury can receive none but legal evidence. This rule was embodied in the statute law of this State when the Code of Criminal Procedure was adopted in 1881; but it always existed at common law. The difficulty which the courts have experienced has been how to deal with indictments which have been procured, in part at least, by the reception of evidence in violation of the rule. The Code of Criminal Procedure provides than an indictment may be set aside on motion when it is not found with the concurrence of at least twelve Grand Jurors and indorsed as a true bill over the signature of the foreman, and presented by him to the court in the presence of the Grand Jury; or when any persons, except those permitted by law, have been present during the session of the Grand Jury at the time the charge was under consideration. It has been held in several cases, however, that these provisions are not exclusive and that an indictment may still be set aside upon other grounds than those thus specified in the Code. A notable decision to this effect was that of Mr. Justice Van Brunt in 1891, setting aside certain counts of the indictment against the directors of the New York, New Haven and Hartford Railroad Company for an alleged violation of the Car Stove Heating act (People vs. Clark, 8 N. Y. Criminal Reports, 169).

When Frederick Smyth, now a Justice of the Supreme Court, was Recorder of the city of New York, he denied a motion to set aside an indictment against the Equitable Gas Light Company, because the application was not based on any of the grounds specified in the Code of Criminal Procedure, thus taking a more restricted view of the law than that adopted by Judge Van Brunt in the case of the New Haven directors. Mr. Justice Williams at the beginning of his opinion in the Molineux case recognizes that there is some conflict in the decisions as to the extent of the court's power in this respect, but adopts the broader view which he regards as "the pretty unanimous opinion of the Judges in the First Department, including two members of the present Appellate Division." Judge Williams presided over the long and difficult trial of Bartholomew Shea for the murder of Robert Ross at the election in Troy in the spring of 1894, and increased the already excellent reputation which he enjoyed as a criminal lawyer by the ability which he manifested in the conduct of that celebrated case.

The trial of Matthew S. Quay, until lately Senator of the United States from Pennsylvania and now a candidate for re-election to that office, began on Monday in the Court of Quarter Sessions in Philadelphia, before Judge Biddle, and proceeded throughout the week. There are five indictments against Mr. Quay in relation to the alleged misuse of the funds of the State deposited in the People's Bank. The indictment upon which he was put on trial charges him and the late Benjamin F. Haywood, formerly State Treasurer, with conspiring to use the public funds in the People's Bank for purposes forbidden by law. The court convened at 10 o'clock in the morning, and a jury was obtained by 1 o'clock in the afternoon of the first day. This celerity in impanelling a jury in a case of great public interest furnishes a good example for imitation in New York. The most important legal questions which have thus far arisen in the course of the trial relate to the admissibility of the books of the People's Bank as evidence against the defendant Quay. The Judge readily allowed those books which were undoubtedly kept at the bank in the ordinary conduct of its business to be introduced by the prosecution, but he hesitated in respect to the admission of a so-called "red book," which was found in the desk of the cashier after the cashier had committed suicide, on the ground that he was not satisfied that it was one of the regular books of the institution. He has consented, however, to take the testimony of expert accountants to show that this book was part and parcel of the bank's current record of its transactions.

On Tuesday Judge John J. Jackson of the United States District Court for the District of West Virginia granted an injunction at the instance of the Wheeling Street Railway Company, restraining certain striking motormen and conductors in the employ of that corporation from obstructing the operation of its cars or damaging the property of the complainants. The jurisdiction of the Federal Court was invoked on the ground that the railroad company is engaged in commerce between different States and in the transportation of the Government mails. In the celebrated Debs case, a similar injunction was maintained in a suit instituted by the direction of the Attorney-General in the name of the United States, and the Supreme Court refused to interfere with the action of the Circuit Court in Illinois adjudging the persons who had violated that injunction guilty of contempt and sentencing them to various terms of imprisonment.

We recently called attention to the refusal of the Massachusetts Supreme Court to set aside a verdict on account of the misconduct of a juror in riding home with the principal witness for one of the parties after the adjournment of the trial for the day. In Oneida county, in this State, the verdict of a jury in the court of a Justice of the Peace has lately been held to have been vitiated by reason of some remarks made by the defendant's counsel. The jury at first came into court and declared that they found that the plaintiff had no cause of action if the defendant would pay the plaintiff $9.50. The Justice declined to receive such a verdict, and as he sent the jury out for a further consideration of the case, the counsel for the defendant remarked in their hearing that if they would find absolutely that there was no cause of action his client would pay the $9.50 to the plaintiff. The jury rendered a verdict in accordance with this suggestion. In reversing the judgment upon it, County Judge Dunmore of Oneida says: "Such a proposition, made in open court, is a wilful contempt and should have been punished as such. Any clandestine interference with a jury by a party or his counsel has always been held to vitiate a verdict. Such an improper suggestion as this is nearly as reprehensible and may be equally dangerous."

In April, 1897, one Joe Kirby, an attorney at law, was convicted in the United States District Court for the District of South Dakota, upon an indictment charging him with having received stolen goods, knowing them to have been stolen. The goods were postage stamps, alleged to have been stolen from a Post Office. To prove the theft the Government, against the objection of the defendant, put in evidence the judgments of conviction against the thieves. In behalf of Kirby it was contended that the fact that the stamps had been stolen must be proved against him by witnesses called upon his own trial, whom he should have an opportunity to cross-examine, and that it could not properly be established merely by the production of the record of another trial with which he had not had anything to do. Upon conviction the defendant was sentenced to imprisonment for two years in the penitentiary. He sued out a writ of error and took the case to the Supreme Court of the United States, which on Monday reversed the judgment against him, holding that the act of Congress is unconstitutional which undertakes to make the record of the conviction of the chief evidence, as against the receiver of goods, of the fact that they have been stolen. This decision will probably lead to a revocation of the order of the District Court of South Dakota disbarring Kirby as an attorney. (47 Federal Reporter, 696.)

OBJECT TO DONNYBROOK FAIR.

Members of Irish Societies Protest Against a Proposed Show.

The announcement that a "Donnybrook Fair" is to be held at the Lenox Lyceum has roused a strong feeling of opposition among the members of Irish societies in this city, because the perpetuation of the name and fame of that fair is believed to cast undeserved reproach upon the Irish name. On Sunday, a week ago, at a meeting held at the Irish National Hall, 320 West Fifty-ninth street, the following preamble and resolutions were adopted:

Whereas, By common report and through the columns of the press, we have learned that a so-called "Donnybrook Fair" is about to be held at the Lenox Lyceum by parties to us at present unknown, but believed to be alien to us in race and national feeling; and

Whereas, The holding of such a fair, if a reproduction of the original or a travesty upon it, is ill advised and calculated to engender bad blood, as a revival of a bygone public scandal; and

Whereas, The original Dublin Donnybrook Fair, with its attendant revelries and disorders, was fastened upon the good name of the land of our birth by alien influences, and patronized by the home Executive and Dublin Castle; and

Whereas, the name Donnybrook Fair has become a synonym of reproach and opprobrium, as the hotbed of faction fights and the scene of wild debauchery; and

Whereas, Donnybrook Fair was the annual rallying resort of the worst classes of Great Britain and Ireland, from its inception under King John until its abolishment in 1855, mainly through the efforts of Archbishop Cullen.

Resolved, therefore, That we, the representatives of Irish societies of the city, denounce any attempt to revive the name of Donnybrook Fair, so suggestive of vulgar memories, and call upon our countrymen to discountenance this project of a New York Donnybrook Fair, that at its best must be a caricature and at its worst a vulgar exhibition calculated to lead to a breach of the peace.

Resolved, also, That a copy of the foregoing resolutions be sent to the Archbishop and clergy of New York, to Irish organizations and to the proprietor of the Lenox Lyceum.

This was signed by nearly 150 representatives of the leading Irish associations. There will be another meeting of the representatives at the same place this evening, where some further action may be had upon the same subject.

Arkansas to Have a New Capitol.

LITTLE ROCK, Ark., April 15.—The bill introduced by Senator Kimball of Hot Springs, providing for the erection of a new State Capitol, at a cost not to exceed $1,000,000, has passed the House and now awaits the Governor's signature. The new Capitol is to be erected on the site of the present penitentiary, and that institution is to be removed outside the city limits. Enough granite has already been tendered the State for the erection of the Capitol. The Governor will appoint six commissioners to supervise the work.

Business Notices.

MARRIED.

COREY—RICKETTS.—On Saturday, April 15, at Holy Trinity Church, Harlem, by the Rev. Alexander G. Cummins, Jr., Mary Kearney, daughter of the late James Brewerton and Adelaide C. Rickette, to George Henry Corey.

LOWELL—WORDEN.—On April 10, at Grace Church, by the Rev. Dr. Huntington, Harriet, the daughter of Daniel T. Worden, Esq., and James Burnett Lowell.

DIED.

A.—The funeral services over the remains of the unidentified dead of the Windsor Hotel fire will be held at Kensico Cemetery on arrival of a special train leaving Grand Central Depot, Monday, April 17, 1899, at 2 P. M. The Rev. D. Parker Morgan, D. D., rector of the Church of the Heavenly Rest, will officiate. The burial will take place immediately after the services.

Relatives and friends of those who perished can procure passes on this train by calling at or addressing the office of the cemetery, 16 East 42d st.

CRAIG.—Of diphtheria, at her home, Sewickley, Allegheny county, Pa., at 6:45 A. M. Saturday, April 15, Ida Louise Mitchell Craig, the wife of Joseph W. Craig and daughter of the late Minott Mitchell.

FELLOWS.—On Saturday, April 15, Edward B. Fellows, in the 88th year of his age.

Funeral services at his late residence, 984 Union av., Tuesday, 18th inst., at 11 A. M. Carriages in waiting at 161st st. station Third av. elevated.

GERRISH.—On Saturday, April 15, 1899, Mary V., wife of George F. Gerrish.

Funeral services at the residence of her sister, Mrs. Emma S. Hart, 199 Lenox av., Tuesday morning at 10 o'clock.

McCABE.—On Friday, April 14, Sarah Ann, wife of Thomas J. and mother of Officer James T. McCabe, aged 60 years.

High mass at St. Francis Xavier's Church, West 16th st., on Monday, April 17, at 10 A. M. Interment at Calvary.

SMITH.—At his residence, 326 First st., Jersey City, John G. Smith, father of the Rev. J. J. and Dr. M. J. Smith.

Funeral Tuesday, April 18, St. Mary's Church, Second and Erie sts.

TILDEN.—At Phœnix, Ariz., on April 8, William Tilden, eldest son of the late William Tilden of New York, in his 48th year.

Special Notices.

Religious Notices.

SOCIETY FOR ETHICAL CULTURE.—Sunday, April 16, 1899, at 11:15 A. M., at Carnegie Music Hall, corner 57th st. and 7th av. Lecture by Prof. Edward Howard Griggs. Subject, "The Religion of Humanity." All interested are invited.

New Publications.

Another New Boat for the Old Dominion Line.

The latest addition to the fleet of the Old Dominion line of this city was launched yesterday afternoon at Chester, Pa. She was christened the Jefferson, and she will go into commission about Aug. 1. The Jefferson is a sister ship of the Hamilton, which was launched last January. Miss Florence Dudley Guillaudeu, daughter of the Vice-President of the Old Dominion Company, broke a bottle of champagne on the prow of the vessel as she was loosed from her moorings and named her Jefferson. The Jefferson is a twin screw boat, 315 feet in length, 42 feet beam and 27 feet depth of hold. She has 3,500 horse power, triple expansion engines and four boilers. Her builders expect her to develop a speed of seventeen knots. She is constructed to accommodate 120 first cabin and 47 steerage passengers.

Yale Freshmen Prizes.

NEW HAVEN, April 15.—The McLaughlin memorial prizes offered to members of the Yale freshmen class presenting the best essays on "Goldsmith Plays and Sheridan's" have been awarded to Mason Trowbridge of Chicago, first, and D. L. James of Kansas City, second. The Winston Trowbridge Townsend prizes have been awarded to Walter Lawrence Chamberlain, Springfield, Mass.; Robert Haskell Cory, Englewood, N. J., and to Ike Gray Phillips, Winchester, Tenn. These prizes are given by Judge William R. Townsend in memory of his son, the late Winston Trowbridge Townsend, 1901.

More Trains on the Elevated.

General Manager Skitt of the Manhattan Railway Company announced yesterday that, beginning to-morrow, local trains on the Ninth avenue elevated line will be run every four minutes from 9:45 A. M. until 4 P. M. A new series of northbound express trains in the afternoon will also be operated, beginning on April 19, which will give express service to the Sixty-sixth, Seventy-second, Eighty-first, Ninety-third and 104th street stations.

Tried to Save Her Husband and Burned to Death with Him.

CHICAGO, April 15.—Isaac B. Becker and his wife Annie lost their lives yesterday at their home in Highwood, twenty miles north of Chicago, and Mrs. Becker's death was a sacrifice in an effort to save her husband. Mrs. Becker had asked her husband, who was a tailor, to show her how to clean a dress with gasoline. He got a can holding five gallons of the fluid and was using it when it exploded. Both husband and wife were thrown to the floor and covered with the blazing fluid. Mrs. Becker made her way to the yard, where she was met by four men who tore her blazing clothing from her. She heard her husband calling for help and madly dashed back into the flames. Husband and wife died together.

Cottage Rentals at Newport.

NEWPORT, R. I., April 15.—Cottage rentals to-day for the coming season are the Dresser villa on Bellevue avenue to Mrs. John A. Robinson of New York and the Travers villa on Narragansett avenue to Mrs. Robert Garrett.