

NO PARDON FOR JOHN Y. MCKANE.

Judge Bartlett Decides the Application for His Release Is Without Merit.

On This Opinion Governor Morton Will Base His Refusal to Grant Clemency.

THE LONG PETITION NOT WAITED FOR

Letters Sent the Executive Believed to Be Part of a Concerted and Formal Movement to Secure Freedom for the Ex-Boss.

Albany, N. Y., Feb. 10. In my opinion the application is without merit.

JUDGE WILLARD BARTLETT. This is the concluding sentence of the opinion Judge Bartlett has furnished Governor Morton in reference to the agitation in favor of granting a pardon to John Y. McKane, the ex-boss of Coney Island.

Judge Bartlett's opinion was solicited on January 5 last. The answer was received by Pardon Clerk Joyce on January 12. It has been slumbering in a pigeon hole ever since, ready when the time came to rise up and interpose an insuperable obstacle to any formal application for McKane's pardon.

This action of Judge Bartlett definitely settles McKane's chances for a year, at least. Governor Morton is extremely conservative in all such matters and will base his refusal to grant the pardon on Judge Bartlett's opinion. No matter if four of the jurors who pronounced McKane guilty believe he has been sufficiently punished, or if Dr. R. T. Irvine, the Sing Sing Prison physician, thinks McKane's health is suffering because of his incarceration in a damp cell, or if McKane's old friends are certain the law has been vindicated, or if McKane's family is in a pitiable condition, he will not be pardoned unless the Governor reverses his custom, and that is believed to be quite unlikely.

It will be recalled that an application for McKane's pardon was made to Governor Flower. This application was not urged, for Governor Flower intimated to McKane's friends in unmistakable terms that the application would be rejected. The matter was allowed to sleep until about six months ago, when letters began coming to Governor Morton asking for McKane's pardon. As a rule, no attention is paid to such letters, for after every conviction friends and relatives of the prisoner contented with asking for Executive clemency.

The letters sent on behalf of McKane made an unusual impression upon Governor Morton. Several letters were written by McKane's children, and one particularly heart stirring appeal came from a little friend of Fanny McKane, the ten-year-old child of the disgraced boss. This letter pictured Fanny's grief, the illness of Mrs. McKane and the sympathy of the neighborhood. It asked, in a trusting, childlike way, that the Governor set the imprisoned father free.

Shortly after this came a letter from another pleader, suggesting that Judge Bartlett, who presided at the trial, be asked for his opinion. This letter was regarded by the Governor as if it were part of a formal and concerted movement for pardon and it was sent to Judge Bartlett.

Whenever a weighty and significant petition for pardon is made the Governor solicits the opinion of the trial judge and District Attorney, who prosecuted the convicted prisoner. The Governor was so interested in the present case, however, that he was desirous of learning how the trial judge regarded the McKane case, and did not wait for the expected long petition. Judge Bartlett's reply was brief and will be crushing to the friends of McKane. He reviewed the trial and concluded in the words quoted in the introduction to this dispatch.

There is now nothing to be hoped for when the big petition arrives. The application will be rejected, Governor Morton will not, if he follows his rule, take a course which the trial judge disapproved.

The only hope for McKane is that Judge Bartlett revise his opinion, and he is not likely to change his mind for a year at least.

MR. CROKER AGAIN A GUEST. Dined Last Night at the Waldorf by Mr. Freedman.

Andrew Freedman, president of the New York baseball club, tendered a dinner to Richard Croker at the Hotel Waldorf last night. Covers were laid for eighteen in the Astor room, which was tastefully decorated for the occasion.

Among the invited guests were William F. Sheehan; ex-Lieutenant Governor Peter F. Meyer; Mr. Croker's business partner; David McCure, Nathan Straus, Randolph Goggenheimer, Jacob A. Cantor, Colonel Jacob Ruppert, James J. Coogan, E. C. Rotter, Simon H. Stern, and E. E. McCall.

The gathering was simply a social one, nothing of a political nature being discussed. Mr. Freedman recently accompanied Mr. Croker on a tour through the South and West, and they entertained the guests by relating incidents which occurred during their stay in Florida.

NEW POINT IN LIBEL SUITS. Supreme Court Decides That Defendant Must Receive Personal Service.

While Richard K. Fox was sojourning in Europe last summer, Benjamin F. Parrish and Achille Davis commenced an action in the Supreme Court against him for libel to recover the sum of \$25,000 each. On the application of the plaintiffs' lawyers the summons was served by publication. Not having received notice of the action, judgments were entered against Mr. Fox for \$50,000.

On hearing of the judgments Fox instituted proceedings through his attorneys, Howe & Hummel, to set aside the judgments, claiming that in an action brought to recover damages for libel it was necessary that a defendant must receive personal service. Judge O'Brien of the Supreme Court, sustained the contention, and vacated the judgments. An appeal was taken to the Supreme Court, General Term, and the Appellate Court rendered a decision sustaining that of Judge O'Brien setting aside the judgments. Now it is too late to effect personal service on Mr. Fox, as the statute of limitation bars the way.

Traps Sounded Over General Gibbon. Washington, D. C., Feb. 10.—The remains of General John Gibbon were buried at the Arlington National Cemetery to-day with full military honors, the imposing funeral cortege through Washington being led by two companies of the Sixth Cavalry, with a mounted band, and the escort of honor being composed of a battalion and light battery of the First Artillery and band.

PARKHURSTIAN POWERS.

Lawyer Moss Tells Why the Vigilance League Would Have Them in Crossed by Law.

Dr. Charles D. Parkhurst called at Police Headquarters yesterday morning and for some time was closeted with the Commissioners. He refused to state the object of his visit, and denied that it was in connection with the bill now before the Legislature. He is, however, not at all pleased with the strictures passed upon the bill. The measure provides that the superintendent of the Society for the Prevention of Crime be given the powers of a peace officer, and also the right to prosecute the cases of the society in the minor courts. It is further asked that the society be allowed to employ its members as attorneys and to pay them for their services.

Dr. Parkhurst was not inclined to discuss the attacks on the bill, however, and would only say: "There are some people who would like to see the bill defeated, and for that matter, would like to have the society abolished. I do not believe their wishes will be granted."

Frank Moss, of No. 63 Nassau street, one of the attorneys for the society, spoke more freely, however. "We ask for nothing which is not entirely just," he said. "As to granting the power of a peace officer to our superintendent, that power is now possessed by the superintendents of the Gery and the Bergh societies. We can do without this power, but it would greatly expedite our work to have it. What we want is the right to serve our own warrants. Now we are compelled to have them served by the members of the court squads, and this is not entirely satisfactory. We also want the superintendent given the right to make arrests when he sees the law is being violated."

"Suppose he gains entrance to a gambling or disorderly house; all he can do now is to swear out warrants for the place and have the police raid it. We want him given power to make arrests at the time."

FUNERALS OF TWO FRIENDS.

Frank Desabaye and Thomas Moore, United by Adversity, Died at the Same Time.

The funerals of Frank Desabaye, twenty-one years old, and Thomas Moore, twenty-one years old, were held at the Bowers Mission, No. 125 Bowers, yesterday. The young men were friends in life and died at the same time in Bellevue Hospital Saturday. They were buried in the same cemetery.

Desabaye came to this city from New Orleans several months ago. He was unable to secure work and applied at the Bowers Mission for help. He became a regular visitor at the mission and took part in the services. He was stricken down recently with appendicitis, and Rev. John Lewis Clark, of the Collegiate Mission, had him sent to Bellevue Hospital. Thomas Moore went to the mission at about the same time Desabaye did, and the two men became warm friends. Moore became ill with pneumonia several days ago and was taken to Bellevue Hospital. The last words he uttered before he died were: "I will be with you." These words were engraved on his coffin lid. Desabaye's mother lived in New Orleans and was unable to get to the hospital. It is not known where Moore's relatives lived.

BADGES WON BY THE FOURTH.

Presentation of Prizes to the Crack Regiment of Jersey City.

Brigadier-General P. F. Wanser, commanding the First Brigade, New Jersey National Guard, reviewed the Fourth Regiment at the Armory, Jersey City, last night. The badges won at the Sea Girt and Marion ranges were presented. The awards were as follows:

Regimental trophy for highest score between company teams—Captain C. E. Springsted, I. R. P., score 31. Lieutenant Colonel's badge—Captain H. H. Brinkerhoff, Company C, score 59. Major's badge, First Battalion—Private Nathaniel A. Sanborn, Company A, score 31. Major's badge, Second Battalion—Private Frederick Zengner, Company F, score 31. Range Committee's badge—Sergeant Charles B. Egg, Company B, score 28. Evening Journal badge—Private Frederick Panzing, Jr., Company A, score 31.

Dancing followed the review, Captain Samuel Bonker and a committee of one from each company having charge.

PUZZLED THE CHANCELLOR.

Peculiar Case Affecting the Title to Property in Jersey City.

A peculiar case concerning the title of a piece of property came up before Chancellor McGill in Chambers, Jersey City, yesterday. Owen Riley, in 1878, brought suit against Samuel Ashcroft to establish the title to the property at No. 103 Morgan street, Jersey City. The case was dismissed in 1880, Riley being ordered to pay costs. He did not do this and his pedigree was filed against the property. Now all the parties to the suit are dead.

Mr. Ashcroft claimed the property to his daughter, Mrs. Lucy M. Petrick. She now desires to sell it, but the suit pending notice stops such action. The intending purchaser now threatens to sue for damages and Mrs. Petrick's lawyer yesterday made application to the Chancellor to dismiss the complaint filed in 1880. Such action technically could not be taken unless all the parties in the suit are notified. As they are all dead, however, and Riley's daughter cannot be found, the Chancellor said he would look up the authorities and try to decide the case.

REV. FATHER CALLAGHAN DEAD.

The Priest Who Cared for Immigrant Girls Succumbs to an Abscess.

Rev. Father Michael Callaghan, pastor of the Mission of Our Lady of the Rosary, for the protecting immigrant girls, died at the Home, No. 7 State street, yesterday morning. A few days before Christmas he was prostrated by an attack of rheumatic fever which developed an internal abscess.

Father Callaghan was born in County Cavan, Ireland, fifty-four years ago, and when young came to this country. His preparatory studies were at St. Francis Xavier's College. He finished his collegiate course at St. Joseph's Seminary, Troy, where he was ordained twenty-seven years ago. His first appointment was to St. John the Evangelist's Church, where he remained until he was sent as a pastor to Peekskill. On the resignation of Father Kelly he was appointed to take charge of the mission founded by Father Riordan, at No. 7 State street.

Work of "First Aid to the Injured."

The annual meeting of the Society for Instruction in First Aid to the Injured was held in the United Charities building, Fourth avenue and Twenty-second street, yesterday afternoon. The secretary's report showed that 381 persons had attended the classes for instruction during the year ending January 31, 1896, an increase of 375 over the preceding year. Since the society's last report it has had fifty-three classes, of which 121 members were policemen. The report touched upon the good work done among railroad employees and the efficacy of emergency boxes at the terminals, the yards and the roundhouses.

His Spleen Will Be Removed.

Bloomington, Ill., Feb. 10.—Dr. John McKenzie, of Le Roy, this county, was taken to Chicago Saturday night to submit to an operation. A specialist is to remove his spleen. Dr. McKenzie is a brother of ex-Congressman McKenzie, of Kentucky, now United States Minister to Peru, and a cousin to Vice-President Stevenson and United States Ambassador Ewing at Brussels, Belgium.

LIVED ON 10 CENTS A DAY.

Extremity to Which Old John and Otilie Elsasser Have Been Brought.

They Were Literally Starving When The Journal's Unexpected Aid Reached Them.

WEARY WAITING FOR A LEGACY.

An Uncle Had Left the Old Man One Thousand Dollars Years Ago, but So Far He Has Been Unable to Collect the Little Fortune.

Sickness, old age and the poverty of their friends and relatives have brought old John Elsasser and his wife, Otilie, to dire

rooms were barely furnished, yet they were scrupulously clean. There was not a morsel of food in the house, and when the big baskets of groceries were brought in, the emaciated wife fell upon the shoulders of her husband, and together they wept silently for joy. Elsasser is sixty-five years old and his wife is sixty-seven. He is a cabinet maker, and when he was young and strong he earned a good living. Thirty-six years ago he left Wurtemberg for this country, and started a shop in Philadelphia. He remained there until eighteen years ago, when he moved to this city, opening a shop at No. 206 Eldridge street, near Houston. There business thrived, but two years ago the old man's health failed. His wife tried to cheer him up, but he grew despondent, and his business soon went to pieces.

TOO FEEBLE TO WORK. Then he moved into the shabby quarters the couple now occupy. Since then he has been too feeble to do any work. Gradually he became weaker, while the little savings grew less. The entire work of the house devolving upon the wife, she also wasted away until she is little more than a wreck. Without friends, and with no relatives but a married daughter in Philadelphia, and a brother in this city, both of whom are poor and have large families to support, the aged couple were in a most deplorable condition.

It is stated upon good authority that no opposition will be made to him in the Democratic State Convention. It is expected that the convention will unanimously declare for him, and that a delegation will be sent to the Democratic National convention that will cordially support him.

MOUNT TAQUITZ IS QUAKING. The Giant Peak Shows Signs of Eruption and People Are Leaving. San Bernardino, Cal., Feb. 10.—It is reported that people in and about Mount Taquitiz are getting ready to leave the vicinity, as the giant peak shows every sign of active eruption. A number of Indians arrived in the city yesterday from Taquitiz, and they say that the valley at the base of the mountain is constantly quaking, and dull, thunder-like noises and rumblings are heard. Thick, black smoke has obscured the peak for several days, and huge clouds of steam arise above the smoke and disappear mist-like over the valley.

Now that it is all changed by the assistance in the way of money and provisions that the Journal has been able to supply to them. This has given them a fresh start and both are again happy.

FORTUNE IN THE BONDS. A Poor Boston Clerk Secured an Option on Some Gold and Stands to Make \$150,000. Boston, Mass., Feb. 10.—Less than a week ago Abraham White was a clerk who could count his dollars on his fingers. His wife had a little property in Reading, Pa., and they raised some money by mortgage. With this he secured the option on some gold and bid for the new bonds, the total being \$5,080,000. He was awarded a million and his wife half of that. He says he expects to realize between 120 and 125 on what is left after having disposed of \$300,000 at 117.

He has been offered \$60,000 for his bargain, but is holding off for \$100,000, and says if he retains possession he is sure to turn \$150,000 profit. White had nothing to lose and everything to gain as a speculator and he had been caught in a trap. He took the plunge, and, as he says: "I have come out on top. I shall at once enter the bond brokerage business, and make a feature of United States Government bonds." White's bold stroke has amazed old heads and given him a place that years of solid business life would not bring to him. He was arrested two months ago on a charge of attempting to pass a worthless check, but after it was shown he was innocent he sued the police officer for false arrest, and the case is now pending.

DELEGATES FOR PATTISON.

Democratic Leaders Pleased Over the Reception of His Candidacy. Philadelphia, Pa., Feb. 10.—The Democratic State Central Committee is to meet in Harrisburg on Wednesday next.

The Democratic leaders are much pleased at the manner in which the suggestion of the nomination of ex-Governor Robert E. Pattison for the Presidency has been received. It is stated upon good authority that no opposition will be made to him in the Democratic State Convention. It is expected that the convention will unanimously declare for him, and that a delegation will be sent to the Democratic National convention that will cordially support him.

MOUNT TAQUITZ IS QUAKING. The Giant Peak Shows Signs of Eruption and People Are Leaving. San Bernardino, Cal., Feb. 10.—It is reported that people in and about Mount Taquitiz are getting ready to leave the vicinity, as the giant peak shows every sign of active eruption. A number of Indians arrived in the city yesterday from Taquitiz, and they say that the valley at the base of the mountain is constantly quaking, and dull, thunder-like noises and rumblings are heard. Thick, black smoke has obscured the peak for several days, and huge clouds of steam arise above the smoke and disappear mist-like over the valley.

There was not a morsel of food in the house until supplies furnished by the Journal reached there. The aged couple occupy two small rooms in the rear of No. 113 North Fifth street, Williamsburg. He was a cabinet maker, but has become too feeble to work at his trade. Yesterday there was not a morsel of food in the house until supplies furnished by the Journal reached there.

The couple occupy two dingy little rooms in the rear of No. 113 North Fifth street, Williamsburg, and while the Journal has attended to their immediate necessities, they are in sad need of assistance of a permanent kind. Yesterday the old man sat by the bar table with a sad expression on his pinched features, while his wife, scarcely able to stand upon her feet, washed the family linen at a tub near him. The two little

port, the outlook for the Elsassers was pitiful indeed. Once in a while the daughter had a dollar to spare, and sent it to her aged parents. Then the poor old people rejoiced and lived on ten cents a day as long as it lasted. One thing alone kept up the courage of the unfortunate pair. Tucked carefully away in an old tin box that Elsasser brought over from Germany is a yellow parchment, wrinkled with age. It is the last will and testament of the first John

Elsasser, of Wurtemberg, who died some fifty years ago, leaving to his widow and children a very comfortable fortune. To his nephew, the second John Elsasser and the present possessor of the document, he bequeathed \$1,000. That money the old Elsasser has never been able to collect. He vaguely hopes, however, that some day from across the seas will come his uncle's legacy to relieve his poverty.

The husband has a high, broad brow, over which his white hair stands out in every direction, in contrast with his bronzed skin and his large, dark, hungry-looking eyes. He is more than six feet tall. His wife is a Hessian by birth, and has a very refined face. If it were not for her buoyant disposition there might have been a tragedy in the poor little home long ago.

Now that it is all changed by the assistance in the way of money and provisions that the Journal has been able to supply to them. This has given them a fresh start and both are again happy.

FORTUNE IN THE BONDS.

A Poor Boston Clerk Secured an Option on Some Gold and Stands to Make \$150,000.

Boston, Mass., Feb. 10.—Less than a week ago Abraham White was a clerk who could count his dollars on his fingers. His wife had a little property in Reading, Pa., and they raised some money by mortgage. With this he secured the option on some gold and bid for the new bonds, the total being \$5,080,000. He was awarded a million and his wife half of that. He says he expects to realize between 120 and 125 on what is left after having disposed of \$300,000 at 117.

He has been offered \$60,000 for his bargain, but is holding off for \$100,000, and says if he retains possession he is sure to turn \$150,000 profit. White had nothing to lose and everything to gain as a speculator and he had been caught in a trap. He took the plunge, and, as he says: "I have come out on top. I shall at once enter the bond brokerage business, and make a feature of United States Government bonds." White's bold stroke has amazed old heads and given him a place that years of solid business life would not bring to him. He was arrested two months ago on a charge of attempting to pass a worthless check, but after it was shown he was innocent he sued the police officer for false arrest, and the case is now pending.

DELEGATES FOR PATTISON. Democratic Leaders Pleased Over the Reception of His Candidacy. Philadelphia, Pa., Feb. 10.—The Democratic State Central Committee is to meet in Harrisburg on Wednesday next. The Democratic leaders are much pleased at the manner in which the suggestion of the nomination of ex-Governor Robert E. Pattison for the Presidency has been received. It is stated upon good authority that no opposition will be made to him in the Democratic State Convention. It is expected that the convention will unanimously declare for him, and that a delegation will be sent to the Democratic National convention that will cordially support him.

DELEGATES FOR PATTISON.

Democratic Leaders Pleased Over the Reception of His Candidacy. Philadelphia, Pa., Feb. 10.—The Democratic State Central Committee is to meet in Harrisburg on Wednesday next.

The Democratic leaders are much pleased at the manner in which the suggestion of the nomination of ex-Governor Robert E. Pattison for the Presidency has been received. It is stated upon good authority that no opposition will be made to him in the Democratic State Convention. It is expected that the convention will unanimously declare for him, and that a delegation will be sent to the Democratic National convention that will cordially support him.

MOUNT TAQUITZ IS QUAKING. The Giant Peak Shows Signs of Eruption and People Are Leaving. San Bernardino, Cal., Feb. 10.—It is reported that people in and about Mount Taquitiz are getting ready to leave the vicinity, as the giant peak shows every sign of active eruption. A number of Indians arrived in the city yesterday from Taquitiz, and they say that the valley at the base of the mountain is constantly quaking, and dull, thunder-like noises and rumblings are heard. Thick, black smoke has obscured the peak for several days, and huge clouds of steam arise above the smoke and disappear mist-like over the valley.

There was not a morsel of food in the house until supplies furnished by the Journal reached there. The aged couple occupy two small rooms in the rear of No. 113 North Fifth street, Williamsburg. He was a cabinet maker, but has become too feeble to work at his trade. Yesterday there was not a morsel of food in the house until supplies furnished by the Journal reached there.

The couple occupy two dingy little rooms in the rear of No. 113 North Fifth street, Williamsburg, and while the Journal has attended to their immediate necessities, they are in sad need of assistance of a permanent kind. Yesterday the old man sat by the bar table with a sad expression on his pinched features, while his wife, scarcely able to stand upon her feet, washed the family linen at a tub near him. The two little

port, the outlook for the Elsassers was pitiful indeed. Once in a while the daughter had a dollar to spare, and sent it to her aged parents. Then the poor old people rejoiced and lived on ten cents a day as long as it lasted. One thing alone kept up the courage of the unfortunate pair. Tucked carefully away in an old tin box that Elsasser brought over from Germany is a yellow parchment, wrinkled with age. It is the last will and testament of the first John



"Duke" and His Mustache. He is a big black horse chiefly employed in drawing a carriage at funerals. Once his peculiar growth of hair was shaved from his upper lip, but it quickly grew again and is now soft and curly and as well cared for as any man's.

A HORSE WITH A MUSTACHE.

Black "Duke's" Hirsute Adornment the Pride of His Hostler, Jim McMahon.

At Funerals It Has Been Known to Cause Much Embarrassment to the Mourners.

HE WEARS IT IN VARIOUS STYLES.

In Vain It Was Shaved Off, for the Next Day It Began to Grow Again, and is Now More Luxuriant Than It Ever Was Before.

There is a horse with a mustache in town. This oddity's name is "Duke," and he is the star boarder at the livery stable of L. F. Lockridge, an undertaker of No. 319 East Twenty-sixth street. "Duke's" mustache is a bona-fide affair of the most approved human type. It is long and curly, like Mayor Patrick Gleason's, of Long Island City, and anybody

would be proud of it. "Duke" is heavy, thick-set, black, fifteen hands high and his ancestors came from Normandy. Nobody seems to know where "Duke" came from, except that he was bought in a horse market in West Twenty-fifth street and that his pedigree is problematical. According to experts who have carefully examined his teeth, he is eight years old and remarkably well developed for his age.

"Duke's" chief business is to take part in funerals; occasionally he attends a wedding. At funerals the mustache has been known to cause much embarrassment to the mourners. Recently a widow was shocked at the hilarity of a group which she thought was directed at herself. Instead of at the animal which was helping to draw her carriage.

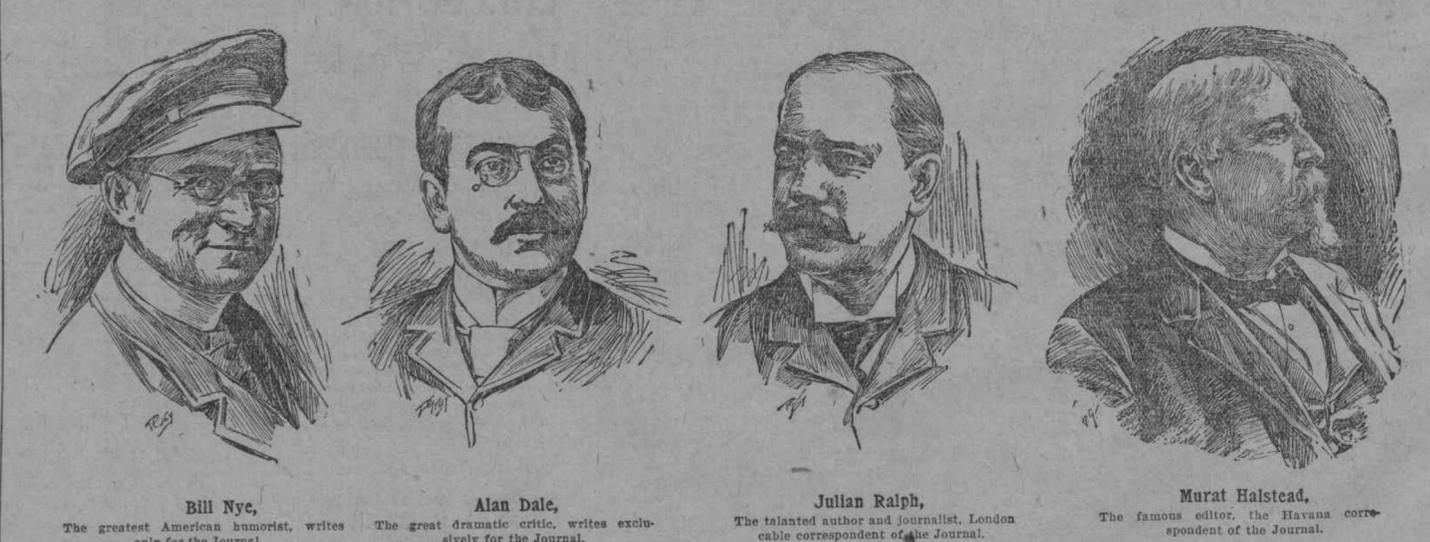
That evening "Duke" had his upper lip shaved, but the mustache would not down. It burst forth the next morning and began to mature quickly and more profusely than any human mustache. It grew until "Jim" McMahon, stableman and driver for Undertaker Lockridge, received orders to use the shears.

To his other accomplishments McMahon now adds those of equine barber. Every morning he combs and cuts "Duke's" glossy black mane, but his real genius is reserved for "Duke's" mustache, which he trims regularly and often, giving each end a jaunty upward turn for weddings, and a melancholy downward droop for funerals. As a matter of fact, "Duke" is made to wear his mustache in various styles. The other day when he appeared with it waxed at the ends, a Colonel Waring, his created wife a furor on the East Side, street cleaners standing to attention and giving the military salute.

THE JOURNAL.

The Pioneer of One Cent Newspapers.

FIRST IN THE FIELD, FIRST IN NEWS, FIRST IN ENTERPRISE.



LARGER, BETTER, BRIGHTER THAN EVER.

The JOURNAL is enlarged, and will continue to lead all New York newspapers in the amount of Local, Domestic and Foreign News. In the quality of its Illustrations and Literary Features, in everything that goes to make up the Great Modern Newspaper, 14 Pages, only ONE CENT Daily, 40 Pages Sunday, with Beautiful Art Supplement, only THREE CENTS. Any newsdealer will deliver the

Daily and Sunday Journal at Your Residence for 9 Cents a Week.