

# OLCOFF AFTER RAINES CLUBS.

## The District-Attorney Confers with Chief Conlin About Them.

### WILL ACT IMMEDIATELY.

#### Evidence Is to Be Secured and Submitted to the Grand Jury.

#### INDICTMENTS TO BE ASKED FOR.

#### Officials Regard the Organizations as Evasions of the Law—Legitimate Clubs Not to Be Interfered With.

District-Attorney Olcott and Chief of Police Conlin had a long conference yesterday afternoon in Mr. Olcott's private room in the Criminal Courts building, about "Raines clubs." Steps will be taken at once, it is said, by the Police Department and the District-Attorney's office to close up these resorts of the thirsty.

Mr. Olcott is of the opinion that the operators of these clubs are simply evading the law and can be convicted.

The Chief left the building hurriedly after his talk with Mr. Olcott, and went immediately to his office in Mulberry street, where he denied himself to all requests for an interview.

It was learned that the programme agreed upon is to have the police secure evidence against the clubs that have gone into operation under old and incorporated charters since the enactment of the amended Excise law. This will be turned over to the District-Attorney's office and laid before the Grand Jury. Just as soon as indictments are returned warrants will be issued and arrests will follow.

Among the clubs that will be proceeded against are the Young Men's Shenadosh Club, formerly the Bijou Cafe, at Nos. 602-604 Sixth avenue; "Silver Dollar" Smith's Young Men's Cosmopolitan Club, at No. 518 Sixth avenue; Gramercy Club, formerly the Haymarket dance hall, at No. 408 Sixth avenue, and the Independent Englishman Dramatic and Pleasure Club, formerly O'Neill's saloon, at No. 1435 Broadway.

There is no intention to interfere with the "legitimate" clubs.

Excise Commissioner Lyman a few days ago deputized the police to act as special agents and visit these clubs in order to secure evidence, and detectives have investigated several places, and made reports which are now in the hands of Chief Conlin. These reports are in the form of affidavits, and copies have been forwarded to the Excise Commissioner.

John Barry has made affidavit that he visited the Gramercy Club and there found fifty women, many of whom he knew had been convicted of disorderly conduct. Some of the men, he says, were of the lowest type. This has been corroborated by several other policemen.

Sometimes officers were compelled to purchase membership tickets before they could obtain drafts. Affidavits have also been made concerning other tenderloin resorts.

At the True Friends' Social and Literary Circle, at No. 478 Seventh avenue, and policemen make a habit of going and drinking together. These affidavits will all be brought to the attention of the Grand Jury, and will probably become as dry a place as Senator Raines intended.

President Moss, of the Police Board, has expressed the opinion that these places are disorderly they should be raided.

# SON CALLED SWINDLER.

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day and asked the privilege of appearing before the Grand Jury as a witness in his own behalf. He did not appear. The jury, after an hour's deliberation, however, found a "true bill," and Colonel Robinson will be called to appear for trial on an indictment charging him with obtaining money under false pretences, embezzlement and common law larceny. If found guilty he can be sentenced to ten years in the State prison.

#### What the Insurance Company Says.

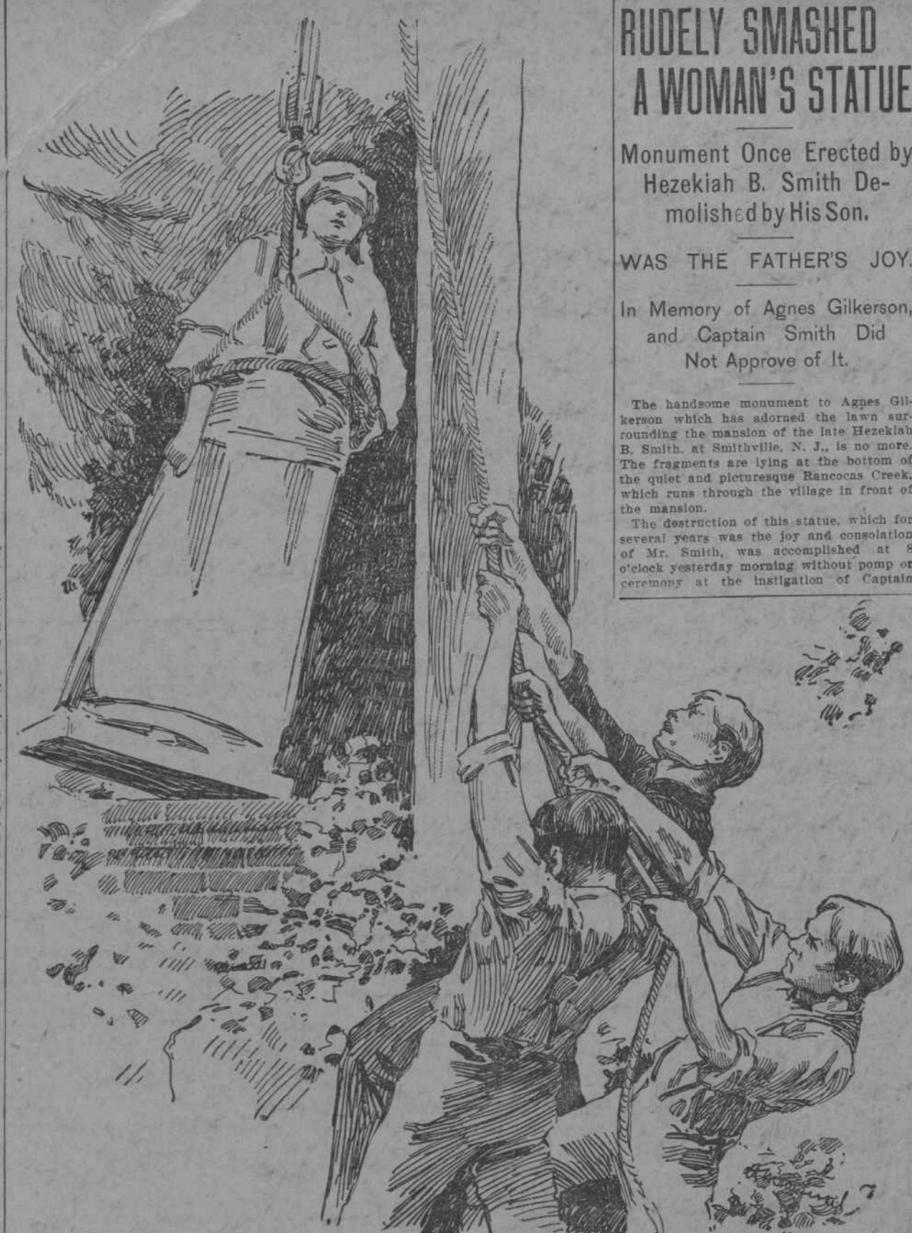
De Lancy Nicolli's version of the case is as follows: Upon the death of ex-Governor Robinson, in 1891, Col. Robinson succeeded his father as a trustee of the Mutual Life Insurance Company, and also became its attorney and agent for Elmira and vicinity.

In August, 1892, he made an application for a loan of \$30,000 on behalf of Robert W. Bush, an octogenarian, whose son was cashier of the bank which Colonel Robinson practically owned. Bush, in his application, described two pieces of property. One was city lots valued at \$7,000, with buildings thereon valued at about \$17,000 more. The other was a piece of land, comprising sixty acres of unimproved real estate, situated one and a half miles from the centre of Elmira, named at a valuation of \$60,000. Upon the back of this application Mr. Robinson wrote the indorsement, "A very good loan, based on sales of real estate in the neighborhood recently made."

"Upon this report, after an examination of the titles, the company approved the loan, and the sum of \$30,000 was accordingly sent to Colonel Robinson, ostensibly for the owner, Mr. Bush. The fact was, Mr. Nicolli says, that Bush had no interest in the matter, except that he was asked to sign some papers, the contents of which he knew nothing about. He signed the papers, but the property did not belong to him, but to Robinson. Shortly after the money was made over to the property to Robinson, who had never, so Mr. Nicolli says, turned over a cent to the ostensible owner of the land and buildings.

A week before Colonel Robinson made application for the Bush loan he took an option on the sixty acres of land, which he secured at a valuation of \$60,000, and when the loan was approved and he had received the \$30,000, he purchased the tract for \$30,000. Mr. Nicolli says that the mortgage Robinson made an abstract title to the company, but carefully concealed the amount of the consideration.

In 1893, according to Mr. Nicolli, Robinson's financial reverses began. The insurance company, he claims, then began to investigate his affairs, and was shocked to learn that he had embezzled from the company a sum over \$300,000. His method, so it is alleged, was to indorse a mortgage as being an excellent investment, with a prior lien only against it. The company, at his recommendation, would agree to advance the additional sum desired, where Colonel Robinson would pay over the real sum to the mortgagor, but would not pay the prior lien. In this way, so Mr. Nicolli declares, he cleared the huge sum



# HAULING DOWN THE STATUE OF AGNES GILKERSON.

Captain Smith, of Smithville, N. J., did not like the circumstances attending the erection of the monument by his father, so he caused it to be destroyed. He was careful not to permit a vestige of the statue to remain. The fragments were thrown into a creek.

which he is alleged to have embezzled. When this discovery was made the insurance company demanded restitution, and Colonel Robinson promised to make it. He formally resigned as a trustee of the company, which was not, however, accepted until the following December, for reasons which the company will explain at the trial.

#### Promise of Restitution Made.

The company then, upon Robinson's promise of restitution, decided not to prosecute. He thereupon turned over to the New York Guaranty and Indemnity Company all his personal fortune, and much of that of his wife, and the Guaranty company secured the insurance company. Both companies felt themselves amply protected, it is said, as the amount of the surety was over \$750,000.

The Bush transactions were not, however, known at that time, according to Mr. Nicolli. The assets turned over to the Guaranty company included five policies in the Mutual Life Insurance Company for \$10,000; one for \$15,000 and one for \$50,000; one policy in the Equitable Assurance Company for \$100,000, and one for an equal sum in the New York Life Insurance Company, a total of \$315,000 in life insurance alone. The other assets included bonds of the Elmira Municipal Improvement Company, valued at \$23,000; 500 shares of the Elmira Municipal Company; 15 shares of the Elmira Cooperative Savings and Loan Association; 10 shares of the Elmira and Horseheads Railway Company; 3 shares of the Water Street Railway Company; 10 shares of the Lawyers' Surety Company; two notes of P. Smith, amounting to \$15,500; 410 shares of the Elmira National Bank stock; and other securities, bringing the total up to about \$750,000.

Mr. Nicolli is authority for the statement that the company felt that these assets would amply indemnify the company for its losses, but that last October the interest on the Bush mortgage of \$30,000 not being forthcoming, an investigation was ordered, when the alleged fraud was discovered. "Proofs of the fraud were not formally presented until December, and then, after a careful consideration of the matter, a criminal prosecution was decided upon. The indictment was accordingly followed. Edward Storm, chief counsel of the Law Department, said yesterday that the claims of the company against Colonel Robinson had not been satisfied within something over \$100,000.

#### Colonel Robinson Not Frightened.

Colonel Robinson takes his indictment coolly, but with much bitterness against the officers of the Mutual Life Insurance Company. He says that he is confident of acquittal if the company may ever dare to bring the case to trial. He wrote out a formal statement for the Journal yesterday.

"This step upon the part of the Mutual Life Insurance Company, which prevails among certain of its officers who have inspired this prosecution on account of the pending litigation between the company and myself.

"As is well known to many, there are various actions at law now before a jury, in which the company and myself, involving claims of over \$1,250,000. These litigations are undecided. My claims against the Mutual Life Insurance Company of New York involve, among other things, the gross betrayal of trusts and the misuse of trust funds whereby not only the holders of the bonds and stock of the Elmira Municipal Improvement Company, and the policy holders of the Mutual Life Insurance Company have been flagrantly betrayed. The claims on my part very naturally aggravate some of the responsible officers of the insurance company, who have used every means known to the law to avoid exposure.

"I need only say further that the charge upon which the indictment is brought involves a transaction of August 1, 1892. All the facts of that transaction have been within the knowledge of the Mutual Life Insurance Company of New York ever since that time. It is a forcible effort on the part of these covering officers, to keep the public from knowing the truth, and to bring the case to trial, if possible, before the Grand Jury which could bring an indictment against me before the alleged offence would be outlawed for the purpose of casting reproach upon me and to intimidate me from carrying on the litigation which I have begun. The charges are malicious and groundless, as

will appear upon the early trial which will demand of the District-Attorney."

Mr. Estance and Edward Hassett, counsel for Colonel Robinson, also gave the Journal a statement as follows: "There is now pending before Referee John F. Parkhurst, of Bath, six actions of foreclosure brought by the Mutual Life Insurance Company against Colonel Robinson in which considerably more than half a million dollars are claimed against him. These claims consist of damages for breach by the insurance company of its agreement with our client of May, 1893.

"At that time Colonel Robinson executed a mortgage for \$750,000 to the New York Guaranty and Indemnity Company as agent of the insurance company. This mortgage was given to the Mutual Life Insurance Company and the Elmira National Bank. The discharge of these obligations at that time would have presented the bank and other officers were brought to this city on May 22, 1892, on the understanding that the money was to be advanced after the mortgage had been paid. There was a failure, however, on the part of the company to advance the money.

"The obligations of Colonel Robinson represented something over \$200,000. The remainder of the face sum of the mortgage was to be devoted to the liquidation of claims against the Elmira Municipal Improvement Company, of which he was the principal owner. Colonel Robinson has always insisted that the failure of the company to advance the money on the mortgage precipitated his financial disasters of the Summer of 1893.

"The counter claims of his, and one is that when the insurance company went into the possession of his property as mortgage in possession, the management of the interest on the Bush mortgage, and in experienced clerks of the company, who were guilty of gross mismanagement, which resulted in a serious depreciation of the assets and stock values of the properties. This was a fraudulent misuse of what were only trust funds, and there were other and more serious breaches which we will make public at the proper time, and which will make somebody's hair curl in the insurance company's office."

"Regarding the alleged grand larceny," continued the attorneys, "the property mortgaged under the name of Bush is worth every cent that it was claimed to be worth. The improved real estate consists of three brick stores, offices and dwellings at the corner of Pennsylvania avenue and Hudson street, Elmira, which is worth every cent of \$20,000. The tract of land is situated but a short distance from the home of J. Stout Fassett, known as 'Stratmont,' and property not nearly so advantageously situated was sold at the time the mortgage was recorded for \$1,000 an acre, the same valuation as Colonel Robinson placed upon it.

"The story of the embezzlement is a pure fiction, and an afterthought on the part of the frightened insurance officials, designed to vilify the distress which is felt by the company in the counter charges brought by our client."

# RIO GRANDE RUSHES IN.

## El Paso's Levees Break and the Terror Stricken Families Make a Rush to the Foot-hills.

El Paso, Texas, May 27.—As both the head gate of the irrigation canal and the levee broke this afternoon and great excitement prevailed.

The Rio Grande River rose at least two inches last night, and this morning the outlook was more ominous than ever. The river washed away a large portion of the bank protecting the head gate of the big irrigation canal last night, and in anticipation of a break all of the residences in the neighborhood were vacated and the families fled to the foothills.

The big levee protecting the southern portion of the city had been strengthened, but it was considerably weakened by the terrible force of the current running against it.

Go to Niagara Falls and spend Decoration Day. Only half rates by the New York Central.—Adv.

# RUDELY SMASHED A WOMAN'S STATUE.

## Monument Once Erected by Hezekiah B. Smith Demolished by His Son.

### WAS THE FATHER'S JOY.

#### In Memory of Agnes Gilkerson, and Captain Smith Did Not Approve of It.

The handsome monument to Agnes Gilkerson which has adorned the lawn surrounding the mansion of the late Hezekiah B. Smith, at Smithville, N. J., is no more. The fragments are lying at the bottom of the quiet and picturesque Rancocas Creek, which runs through the village in front of the mansion.

The destruction of this statue, which for several years was the joy and consolation of Mr. Smith, was accomplished at 8 o'clock yesterday morning without pomp or ceremony at the instigation of Captain

Elton A. Smith, son of Hezekiah B. Smith, and who now has control of the entire estate.

The circumstances attending the erection of this monument were not at all pleasing to Captain Smith, and it was an eyesore to him. He offered the statue to the relatives of the late Agnes Gilkerson to dispose of it as they chose. They refused to accept it, and it was allowed to remain upon its pedestal until his present visit. He came here on Tuesday and gave orders for the destruction of it. So secretly were the instructions given and carried out that no one knew anything about it until yesterday morning at 8 o'clock, when a dozen workmen proceeded to the yard with sledge hammers in hand and battered it to pieces. They then loaded the fragments into wagons and hauled them to the banks of the Rancocas Creek, above the machine shops, and scattered them along the channel of the stream. Since arriving at Smithville, the first time since his father's death, Captain Smith had refused to gaze upon the statue of Agnes Gilkerson.

Captain Smith's wife viewed the statue yesterday morning for the first and last time. After the destruction of it, Captain Smith went to the spot where it had stood and gave instructions for improvements to be made in that section of the lawn. While the hauling of the fragments of the statue was in progress, several curiosity seekers about the village assembled. Two of them picked up some of these pieces. They were immediately taken in charge and compelled to return them. Special instructions were given to the workmen not to allow a piece of the marble to be taken away.

#### What His Lawyers Say.

Maurice Meyer, Hammerstein's attorney, and Frederick B. House, his counsel, were dumfounded yesterday when they read in the Journal the declaration of Mr. Olcott. The two lawyers were holding a conference in Mr. House's office when a Journal reporter called.

"If he isn't going to try those people, what becomes of us, I'd like to know? They were the people who made the burlesque possible. And if they go free he can't consistently move Mr. Hammerstein's case for trial. We shall stand up in that regard."

Lawyer House, affirmed this opinion. "Mr. Hammerstein's indictment," he said, "I moved in court that he be allowed to go to the Grand Jury with the evidence had and regarding the original Seelye dinner. There was some talk then of all the witnesses disappearing. Judge Fitzgerald ruled that it rested with the District-Attorney, and I think he will go on to just how they were dressed and what they and everybody else did that night at Seelye's."

"Mr. Battle took them and presented them to the Grand Jury next day. It was upon the evidence we furnished that Seelye, Rich and Minnie were indicted."

"Now, those affidavits, some parts of which, as Mr. Hammerstein said at the time, 'you know all the details of, are part of our case, just as much as they are part of the cases of Seelye, Rich and Minnie. Our case, too, will involve the trial of the Seelye case, and it rests upon the trial of Captain Chapman, just as the other cases will.'"

#### A New Proceeding.

When Mr. House was asked his opinion as to the legal right of the District-Attorney to withdraw cases from trial upon such ground he said: "I think there is no question but that Mr. Olcott has entire right to do as he pleases, but I never in the course of my practice or reading of law know of a case being withdrawn from trial for fear it would prove bad reading for school children."

There is only one opinion among the lawyers regarding the legal strength of Mr. Olcott's position. And most of them, from one reason or another, have been moved to see the whole matter in just the light that the school teachers see it.

William F. Howe, of the firm of Howe & Hummel, said: "The District-Attorney is the conservator of public morals, as well as the prosecuting officer, and is best suppressing crime by suppressing evil influences of the kind now upon trial. At the investigation before the Police Commissioners even I, hardened as I am, having for the past three score years listened to the details of the most atrocious criminal trials, was shocked with the revelations brought forth at the examination of Little Egypt and other witnesses."

#### Olcott No Coward.

"Mr. Olcott's worst enemy never charged him with cowardice, he's brave enough to do his duty. There is no power which can compel him to try these indictments. He need never put them on the calendar. But I expect him to go into court like a man and ask to have these indictments dismissed. No Judge of General Sessions is likely to deny such a motion."

Frank Moss, president of the Police Board, when asked last night whether he approved of District-Attorney Olcott's course, responded: "It's not of my business."

"But do you not think that these indicted individuals should be punished for their offenses?"

# STANDS BY HIS DECISION.

Continued from First Page.

merstein) must be allowed to go also.

To try him would unlose all the testimony which it is feared would plant unholy thoughts in the minds of the school children.

Mr. Olcott leaned back in his armchair yesterday and studied.

"No," he said at last, "I have not changed my mind. I am not going to move those cases for trial unless something happens to alter my present very firm conviction that the great majority of the public would not want them tried, and that the trial of them, entailing as it would the rehearsing of all that demoralizing testimony, would be bad in its effect. I act in the belief that I am doing the greatest good to the greatest number. If I am convinced that the people, as a majority want this matter tried and again paraded in the public prints for their children to read, why, I will try them."

Not that They Are Wealthy.

"As for anybody's thinking that there is the wealth of the people which influences me, I have not added to the large accumulation of untried cases in the office. On the contrary, that accumulation has been cut down."

"But, are you sure, Mr. Olcott, that down in your inmost heart you are not influenced by the consciousness that the friends and relatives of the persons who were at that dinner, and possibly those persons themselves, are educated, refined, cultivated people, people to whom the facts brought out upon the trial would be bitterly painful and embarrassing?"

Mr. Olcott's mild eye was no longer mild. It flashed.

"No, sir! No, sir! I am against the

classes. My tendency in such a case is to lean ever backwards."

This—and it should be made a matter of history—Mr. Olcott emphasized with a very solemn oath, in the presence of his friends.

Then he added: "I do not believe in sparing people because they are well bred or well educated. I believe that when such a man does wrong he is more culpable by the very reason of his education."

"No, sir, I spare these people because the punishment they were convicted of, could not possibly do as much good as the publication of the miserable business would do harm."

#### The Letters Kept Secret.

Mr. Olcott was adamant in his refusal to make public the letters from school teachers, which, as told exclusively in yesterday's Journal, had clinched his determination not to bring the Seelye revelations to trial. "It would be a breach of faith in the first place," he said, "and very unwise policy in the second. Most of them the express condition was that they should be held confidential."

The disposition of Mr. Olcott's state of mind is of a very different color from the bristling statement he made when the question of the indictment of the Seelye diners was first agitated. Then he was wrathful because of the laws delay and its inadequacy, which prevented him from punishing the guilty. Now, however, he who drank that night while Little Egypt danced. Then he said such explosive things as this:

#### What Olcott Said in January.

"I am sorry, while yet the public pulse was tingling with the little that had been told and the vastly more that could be imagined, of all the sensuous glories of that night—I am sorry that the guests at the Seelye dinner cannot be indicted. Only the persons who are exposed to such a night as those who procured them to do such an act are liable under the Code."

"I move at all after reading the evidence it will be against all who have violated the law."

Now comes Mr. De Lancy Nicolli, District-Attorney of New York, very emphatic in his denunciation of the period when there were many sinners abroad.

"Not going to try them," said Mr. Nicolli in his brusque fashion. "I never thought he would. It was a fool inditement in the first place. That's all. 'Unparalleled!'"

"But isn't the excuse unparalled?"

"The Judges of General Sessions, one after another, smiled in kindly deprecation when asked to say what they thought of Mr. Olcott's attitude. They scented compromise in a hypothetical question outlining the case, and declined to put themselves on record."

Judge Fitzgerald, appealed to upon the ground of his seniority, said simply this: "If a District-Attorney moves to dismiss an indictment it lies with a judge to either grant or deny the motion. But, you see, this matter may come before me, or any other judge, and it would not be right to make any expression about it."

And now what about Oscar Hammerstein?

An indictment against that irrepressible gentleman, for bribing the Seelye diners, is also hidden away in the District-Attorney's office. Oscar and his attorneys are ready for trial, but no word has come to them from Mr. Olcott.

Oscar did not beam in the proud circle that glared and grew gleeful around the Seelye board, but he had people on his side, who hid away the Seelye dinner, that hilarious night—to wit, "Little Egypt," the simious and Minnie Renwood, and when Little Egypt brought out the Silly Diner's burlesque, with those ladies in the salacious roles, the gaping public and the "proper authorities" were convinced that the well high as much of truths as of poetry in it.

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# GERMS OF DEATH BOUGHT FOR \$5.

## But Young Clifton Knorr, at the Last Moment, Threw Them Away.

### SALE MADE ON BOWERY.

#### Witness Declares He Was Told to Give Diphtheria Microbes to His Stepmother.

Bloomsburg, Pa., May 27.—The third day of the trial of L. S. Wintersteen, for conspiracy to murder by an attempt to blow up the residence of Levi E. Waller, with dynamite, began with the usual stampeede for seats. Young Clifton Knorr, after describing again the explosion and the part that he played at the instigation of Wintersteen, in response to the interrogations of District-Attorney Graham, of Philadelphia, gave the following version of the events following his flight to Reading:

On September 14, Wintersteen met me in Reading and told me the damage done by the explosion was comparatively slight. He gave me \$50 and told me to leave, and if I was arrested to say absolutely nothing, and he would defend me. The latter part of October I saw Wintersteen again at Reading and he gave me \$10. I next saw Wintersteen in November at Reading. He gave me \$30 and said that on this visit he had to register his right name at the Hotel Penn on account of meeting Commissioner Swank.

"In Wintersteen's house in December, 1895, he suggested getting diphtheria germs to give my stepmother, Mrs. Knorr, diphtheria, and get her out of the way. He gave me \$15, and I went to New York and saw John Rothschild, who said he thought he could get me some germs from a doctor. I afterward got a letter saying that Rothschild could get them on the receipt of \$5, which Wintersteen borrowed from Mr. Townsend, a tailor. I sent the money by United States Express to 334 Bowery, New York City.

"A few days later I received the germs, and in the evening showed them to Wintersteen in his office. I promised, at Wintersteen's suggestion, to scatter them over my mother's clothing, but later I threw them away. After this he suggested poison and gave me \$5 to get tartrate of antimony, which, he said, would be hard to trace. This I got and showed to Wintersteen and then threw it away also, making no attempt to use it on my mother.

"The reason I used dynamite was because Wintersteen told me, I had been fooling him so long I was afraid to further deceive him. I was afraid of his anger and also feared that he would not give me any more money."

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# SHOT HIS FRIEND DEAD.

## Louis Kuntz Accidentally Ends the Career of Charles Rose, of This City.

Two young men, one sixteen, the other twenty years old, stood in the dressing room attached to the gymnasium of the People's Palace, Grand street, Jersey City, last night. The younger, Louis W. Kuntz, of No. 245 Monmouth street, Jersey City, was examining a double action revolver, the property of the elder, Charles Rose, of No. 11 Charlton street, New York. A few feet away stood Ernest Bentell, seventeen years old, of No. 117 Mercer street, Jersey City, who was in gymnasium costume, the others in street attire. Suddenly there was a report, and with a bullet in his brain Rose sank to the floor, dead. Young Kuntz fled, but returned with Dr. C. D. Loomis.

Dr. Loomis said Kuntz had called him. Rose had died instantly, the bullet entering his forehead in the center and penetrating the brain. Kuntz said the shooting was accidental, and told how it happened. He was arrested, and so was Bentell, the latter as a witness.

Rose, the dead boy, came from Burnside, Orange County, New York to New York on New Year's Day. His father kept a general store and is station agent there for the New York, Ontario and Western Railroad. He was accompanied by Henry W. Moffatt, of No. 71 W. 11th street, Jersey City. They obtained it at the Brotherhood Wig Company, No. 71 W. 11th street. Moffatt recently moved to County Physician Conners' house to No. 437 Essex avenue, Jersey City, but Rose, who was the shipping clerk, remained at the old address. Rose's body was viewed by County Physician Conners, and then removed to Duff's undertaking shop, No. 91 Newark avenue.

The People's Palace, is connected with the Jersey City Tavern, of which the Rev. John L. Sautter is pastor.

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