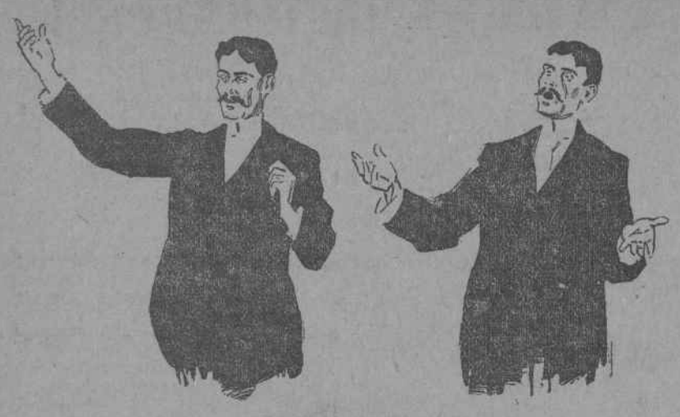

"A reporter asked him if he had seen Rose's father, and his reply was: 'Bring him over, and I'll kill him, too.'"

"He knew what he was saying when he wrote: 'I believe that hell is back of what I am about to do, but I will take my chances.'"

KOERNER LISTENING TO THE VERDICT.

District-Attorney Olcott, referring to his notes while summing up the testimony in the Koerner murder trial.

"It is true Koerner was regarded as erratic; but what man is not?"

JURY FINDS KOERNER GUILTY.

Murder in the First Degree Was the Verdict, Reached After Considering the Evidence for an Hour and a Half.

District-Attorney Olcott's Maiden Effort at Summing Up Is Clear, Convincing, and Is Highly Praised by His Associates.

Stay Is Secured Till Next Monday by the Defence---Koerner Says He Had Rather Die Than Spend His Life in a Prison Cell.

William Jay Koerner, the degenerate young artist, has been found guilty of murder in the first degree for the shooting of his sweetheart, Rose Alice Redgate.

Judge Newburger finished his charge to the jury at 4:15 p. m. yesterday. An hour and a half later the jury returned and Foreman William L. Vaight said an agreement had been reached.

Koerner stood up in a listless sort of way and faced the twelve.

"Guilty or not guilty?" asked the clerk of the court.

"Guilty; murder in the first degree."

Without a sign of emotion the condemned murderer sat down. He hid his face in his hands.

Abraham Levy, his attorney, could only ask for a stay of proceedings till next Monday, in order that he might draw up papers asking for a new trial. His motion was granted, and Koerner was led back to the mouldy old Tombs, where he has been since September. On his way over the Bridge of Sighs he said, quietly to his attendant: "I'd sooner be put to death than spend my life in prison."

One ballot only was needed to determine Koerner's fate. The members of the jury had made up their minds before they left their seats.

Olcott and the Jury.

The last day of the trial and the maiden appearance of District-Attorney Olcott were sufficient attractions to crowd Part IV. of General Sessions. Mr. Olcott was not at all nervous when he began summing up for the people. It was remarked by all that he introduced for the first time in a New York court, a sort of pulpit from which to address the jury. His notes were concealed, and he had almost no occasion to refer to them. His speech, while not particularly eloquent, was clear and convincing.

He said he would not be rpesent, xecept that he firmly believed in Koener's guilt. He claimed the defendant was in no wise demented when he killed Rose Redgate, from beginning to end and, therefore, entitled to little credence.

"Koerner did kill Rose Redgate, but he was in such a state of mind as to be wholly irresponsible. Is it possible," he asked, "that a young man devotedly attached to a young woman, and whose affection is reciprocated, would deliberately take the life of his beloved one? No! Rose had given Koerner her heart and had promised to be true to him until such time as they could be married. Each believed in the other's fidelity. Where, then, is there a motive for the tragedy?

"I tell you, gentlemen of the jury, Koerner's mind was in darkness. He had no perception of right or wrong. His system was saturated with whiskey and he was tainted with hereditary insanity, as we have shown. Many of his ancestors were shut up in mad houses."

Judge Newberger was not ong about his charge to the jury, it being a simpe, unbiased review of the evidence, eaving the jury the facts to pass on.

Koerner's Crime.

Koerner was accused of shooting his fiancee, Rose Redgate, in front of New York's Gretna Green, the Metropolitan Tabernacle, at 6 p. m. on September 23, 1896. The two had been walking together quietly, when Koerner drew a pistol and fired. She fell to the pavement, throwing her abouts about the murderer's neck in a dying embrace.

Koerner is twenty-five years old. He was born in Allegheny City, Pa., where his father, W. Koerner, still lives. The young man came to New York a few years ago and became a newspaper writer and artist. He became a drug fiend and said he had taken forty grains of phenacetine before he committed the crime. He claimed it was his own and not Rose's life he intended to take.

a good girl, against whom suspicion had never rested.

"It is true," he said, "Koerner was regarded as erratic; but what man is not? What statesman, lawyer, scientist of eminence is not regarded as erratic? It is another matter whether the prisoner was rational when the killing was done—whether he knew the difference between right and wrong.

"I believe he knew what he was saying when he wrote previous to the shooting, 'I believe that hell is back of what I am about to do, but I will take my chances.'

Koerner had watched Mr. Alcott in his usual stoical manner, but he winced at that question from

"Consider," said Mr. Olcott, impressively, "the evidence of the father of the dead girl. He swore Koerner told him he was going to marry Rose, and that if he couldn't have her, he would see to it that no one else did. The defendant had also said hate impelled a man to desperate deeds. A reporter asked him if he had seen Rose's father, and his reply was: 'Bring him over, and I'll kill him also.'"

"The fact is," said Mr. Olcott, "that Koerner filled up with whiskey and phenacetine, and had the bravodo to kill an when it came to sending a bullet crashing tonecent girl, but that his nearr failed him through his own skull.

"Don't publish to the criminal classes," he said to the jury, "that cutthroats and men caught with smoking revolvers in their hands, while murdered wives and sweethearts lay dead on the ground, can claim they had been drinking, or were once the victims of epilepsy, and then be bidden to go free and sin no more."

Plea of the Defense.

Abraham Levy, council for Koerner, made no attempt to deny the shooting in his plea for the prisoner, confining himself to trying to prove the prisoner's insanity. He dwelt on the fact that some of the witnesses for the State had testified that Koerner fired three shots, while others said they only saw one. He said the prosecution's testimony was contradictory from beginning to end and, therefore, entitled to little credence.

OLCOTT IS WILLING TO DIVIDE THE HONORS.

Editor New York Journal:

In response to your question, I have only to say that if my presentation of the Koerner case to the jury was satisfactory, as I hope, it was because I endeavored to merely group the testimony concisely; and I must more than divide the honors (if any there are) with my assistants, Messrs. Osborne and Hennessy, who labored assiduously to give me the full benefit of their observation and experience.

W. M. K. OLCOTT,
District-Attorney, New York County.

COUNSEL FOR THE DEFENCE PRAISES OLCOTT.

Editor New York Journal:

I think that Mr. Olcott's first summation before a jury in a homicide case was very creditable indeed. It was forceful, logical and eloquent. He was entirely fair in his presentation of the facts, and made a decidedly favorable impression upon the jury.

ABRAHAM LEVY,
Counsel for the Defence.

OSBORNE WELL PLEASED WITH HIS CHIEF'S SPEECH.

Editor New York Journal:

I was very much pleased with the summing up of District-Attorney Olcott. It was a clear, forceful, convincing and eloquent presentation of the facts. What impressed me especially was its pre-eminent fairness to the prisoner, Koerner.

JAMES W. OSBORNE,
Assistant District-Attorney.

LIVES LOST IN FLOOD.

Continued from First Page.

the second stories of many houses on the river front.

Relieving the Distressed.

Hundreds of poor families who delayed in moving because they had no money to pay for drayage have been caught and the suffering is intense. Chief Deitsch has all of the reserve police out in boats carrying people to high points and relieving the distressed as far as possible. The Grand Central Depot has been deserted, the railroad yards being under water. All railroads are making temporary stopping places below the depot at any convenient spot.

The Cincinnati Gymnasium grounds are under about six feet of water and a large section of the fence has been swept away.

The old baseball park in Cumminsville is under water.

At the rolling mill of the Riverside Steel Works the water is nearly to the furnace fires. The town hall has been turned into a shelter house.

Over in Covington and Newport, across the river, the suffering is widespread. A public meeting has been called to care for the many hundred poor people who have been turned out of their houses by the raging waters.

Other Afflicted Towns.

All business is suspended at Portsmouth and hundreds of houses are partly submerged. The same story is told in dispatches from Batavia, Marietta, Ripley, Ironton and other Ohio points.

Catlettsburg, Ky., reports that timbermen have lost thousands of logs and that the town is flooded.

At Middlesboro, Ky., the flood was accompanied by a gale, which uprooted trees and tore down several houses. James Charwell, his wife and four children were drowned there.

It is the towns in the Kentucky mountains that are the worst sufferers. Mountain rivulets have become torrents and swept down the valleys. For a time Pineville was cut off, and it was feared that the Middlesboro dam had broken. The water has not receded at that point, but left the town all torn up.

The country all about Burning Creek, W. Va., is now shut off. Besides the loss in towns and cities the farmers have had their planted crops ruined and their loss will be very heavy.

Some of Those Drowned.

Following is a list of some of those drowned:

Jackson, Ky.—Abe Reed, colored, drowned in saving logs.

Maulden, Ky.—Henry Holcomb, washed from his horse and drowned.

Ashland, Ky.—James Morgan, wife and child, drowned in Beaver Creek, Floyd County. Their home was destroyed.

Pineville, Ky.—Two mountaineers and a revenue man drowned. Names not given.

Grafton, W. Va.—William Tate, B. & O. fireman, drowned.

Middlesboro, Ky.—James Charwell, wife and four children drowned.

Keystone, W. Va.—Young Wade, druggist, drowned.

Sparta, Ky.—Charles Holton, a bank clerk, drowned.

Breathitt County, Ky.—Mrs. Hutzell's little daughter drowned.

Bell County, Ky.—Two men, unknown, drowned.

Bluefield, W. Va.—Sylvester Water, teamster, drowned in Clear Creek.

Portsmouth, Ohio—"Aunt Bibble," an eccentric river character, missing and believed to be drowned.

Elder Morton, a Mormon missionary, was drowned near Mount Elkhorn.

An unknown woman was drowned in Leslie County.

Trains for Bellaire Delayed.

Bellaire, O., Feb. 24.—The Ohio River is rising here four inches an hour, and by evening forty feet will be reached. All lowlands are now covered. The Pittsburg, Ohio Valley & Cincinnati; Cleveland, Lorain & Wheeling; Bellaire, Zanesville & Cincinnati railroads, and Bellaire, Bridgeport and Martin's Ferry Street Railway are under water. Trains will not reach here before to-morrow on the above roads.

Word comes from Powhatan, Clarington, Pipe Creek and other places that a large number of houses are submerged and the suffering among the people is terrible. The Bellaire Steel Company's stock houses are flooded and the furnace shut down, throwing many employes out of work. Other manufacturers may have to close down, and the damage will be heavy.

Damage Looked for in Louisville.

Louisville, Ky., Feb. 24.—The river has reached the Opera House and Falls View hotels, on Fourth street, and the lower portion of the shipping port is under water. It is thought the rise will go to twenty-nine feet. This will flood one hundred and fifty business houses on lower Second, Third and Fourth streets.

Great Loss in Southern Indiana.

Evansville, Ind., Feb. 24.—The prospects now are that the Ohio will reach a higher stage than at any time since 1884. Yesterday morning the river was at the danger line, 31 feet, and since then has been rising at the rate of three inches an hour.

The heavy rains, which were almost equal to a cloudburst, throughout the Ohio valley, have caused great damage to property and loss of stock. Reports of losses in the lowlands throughout Southern Indiana and Northern Kentucky are very great.

The Mississippi Rising.

At Merengo the same condition exists. Information received from points along the lower Ohio River reports the Wabash River and other side streams adding to the flood, and to add to the serious prospects the Mississippi is also rapidly approaching flood height, and still rising, which will have a tendency to hold the Ohio up.

Devastation in Pennsylvania.

Pittsburg, Pa., Feb. 24.—The flood reached a dangerous height last night and kept climbing until at 1 o'clock this morning the official gauge at Davis Island Dam recorded 27.01 feet. The marks at the foot of Wood street, recorded 29.06 feet at the same hour. The water then remained stationary until 4 o'clock, when it began slowly to subside. Various estimates place the losses in the Monogahala Valley, where the water reached points never touched by previous floods, at considerably over $1,000,000.

In Pittsburg and Allegheny, scarcely an industrial plant fronting on the rivers are in operation to-day, and hundreds of dwellings with their occupants are so badly damaged that many days must elapse before the factories and residences can be put in habitable condition. The scene in the flooded districts is one of desolation and devastation. At noon to-day the rivers had fallen two feet from their highest point.

MARION'S DAUGHTERS.

Continued from First Page.

"Their father," Your Honor, "explained Mr. Moss, "was not even afforded an opportunity to demonstrate his ability to care for his children. He was not allowed to contradict the assertions of the agent of the Gerry Society."

"And is he able to care for them?" asked the Judge.

Improperly Committed.

"He is a sober and industrious man, earning fair wages and can furnish guarantees that the children will be properly cared for. There is absolutely no reason, as we will show, why they should become a charge upon the county."

"That is very remarkable," said Judge Pryor earnestly. The petition upon which the writs were granted says in part:

That your petitioner is the father of Frances Marion, aged eleven years, Mamie Marion, aged nine years, and Arabella Marion, aged five years, who are now unlawfully and illegally detained and restrained of their liberty and imprisoned by the New York Catholic Protectory in the city, county and State of New York, aforesaid; that the above children are not committed or detained by virtue of any process issued by any court of the United States or by any Judge thereof, nor are they committed or detained by virtue of the final judgment or decree of any competent tribunal of civil or criminal jurisdiction or by virtue of any execution issued upon such judgment or decree. * * *

That the commitment of the above named children was so unlawfully made without reasonable or probable cause, and in direct violation of law and without evidence to justify such conviction; that your petitioner is a respectable and industrious man employed as porter for W. D. Lockwood, a wholesale flour merchant of this city, and your petitioner is well able to properly provide for, clothe and comfort his said children, whose commitment is contrary to petitioner's wish and against the statute in such case made and provided.

As already related in the Journal, Eugene Marion invoked the aid of the Gerry Society to obtain the custody of his three little girls mentioned in the above petition, who were living with their mother at No. 359 Madison street. His stated reason for taking the children from their mother was that she was not a proper person to care for them. The couple separated eight months ago, and the children remained with their mother until Marion heard things about his wife that led him to believe they would be better off away from her.

Sisters Would Help Him.

He consulted his three married sisters, and they promised to assist him by each taking one of the girls. His sisters are well to do. They are Mrs. Alice Carpenter, of No. 236 West Twenty-seventh street; Mrs. Fanny Crowley, of No. 1561 Avenue A, and Mrs. Matilda Murray, of Lafayette street, Brooklyn.

Agent Jacob Deubert went to the flour establishment of W. D. Lockwood, at No. 184 South street, where Marion is employed as porter, last Saturday, and said he had been informed that the children were not being properly brought up.

"That is true," said Marion, and straightway proceeded to tell what he had learned of the actions of his wife. "Although I earn only $8 a week," he continued, "I can support the girls all right with the assistance of my sisters, who have promised to help me."

"The children would be better off in an institution," observed the agent, sententiously.

Marion protested that he did not want them put in an institution. He says Deubert assured him that that would be all right, and led him to believe that he would surely get his children. Acting on the instructions of Deubert, Marion met him in East Grand street early Sunday morning, and in company with Roundsman Lyons and another policeman from the Delancey Street Station, went around to his wife's apartments, where the girls were taken into custody. Mrs. Marion was found to be living there with a man named Henry Ray, a kalsominer.

Deubert Broke Faith?

The party then proceeded to the Essex Market Court, where the case was set down for a hearing on Tuesday morning. Marion was again assured by Deubert, he says, that the children would surely be turned over to him. He appeared in court on the day set with two of his sisters, but was not suffered to say a word in his own behalf.

Agent Deubert himself swore to the complaint, which alleged that the little girls were not being properly reared by their mother. He held a whispered consultation with Magistrate Deuel, and in a jiffy the commitment was signed and Deubert walked out of court, shoving the children before him like sheep. Marion and his sisters followed into an adjoining room, where Deubert announced that the little girls were going to the Catholic Protectory. The girls wept piteously at being separated from their father, to whom they are deeply attached.

Marion was in despair until the Journal came to his relief and enabled him to secure a hearing in a higher court.

"I may have done an injustice to this man," said Magistrate Deuel yesterday, "and I should have reopened the case if he had applied to me to do so at any time within twenty days from the signing of the commitment. If he is as sober and industrious as you say he is he should certainly be permitted to have the custody of his little girls. We have to rely upon the representations of the Gerry Society officers in such cases. Agent Deubert said he had investigated the matter thoroughly and the testimony of Marion's wife indicated that he was a very bad sort of fellow. These agents, however, are often too eager to have children committed. I suppose they wish to asquire a reputation for energy and thoroughness in their work."

Boasts of His Commitments.

The attaches of the Essex Market Court declared that Agent Deubert prided himself upon the number of children he was able to have committed to institutions. That, they said, was his fad.

Marion is said by all who know him to be a sober, industrious and careful man. He lives at No. 66 Market street in a neat little room, with his thirteen-year-old boy, who attends school in the neighborhood and who the neighbors say is always well clad and cared for.

MARION A RELIABLE MAN.

Eugene Marion has been in my employ for the last nine months, and I have always found him a reliable, sober and industrious workman.

W. D. LOCKWOOD,
Flour Merchant, No. 184 South street.

Marion is a Catholic and his wife a Protestant, and they often quarrelled over their differences in religion. Marion says his wife started a serious estrangement by refusing to get up in the morning and prepare his breakfast before they had been wedded six months. The wife says it was he who first treated her cruelly. It was not long after she met Henry Ray last April that the couple separated.

BEAUTIFUL SKIN

Soft, White Hands with Shapely Nails, Luxuriant Hair with Clean, Wholesome Scalp, produced by CUTICURA SOAP, the most effective skin purifying and beautifying soap in the world, as well as purest and sweetest for toilet, bath and nursery. The only preventive of inflammation and clogging of the pores.

Cuticura

SOAP is sold throughout the world. Potter Drug and Chem. Corp., Sole Props., Boston, U. S. A. ☞ "How to Purify and Beautify the Skin, Scalp and Hair," mailed free.

BABY HUMORS Itching and scaly, instantly relieved by Cuticura Remedies.

GOGGINS GETS A 2-YEAR SENTENCE.

Convicted of Manslaughter for Killing 12-Year-Old Mary Bryan.

HE RAILS AT THE JURY.

Declares They Had Found Him Guilty of a Crime He Had Not Committed.

Patrick Goggins, who killed twelve-year-old Mary Bryan with a blow of his fist, was convicted yesterday afternoon of manslaughter in the second degree. When the verdict was rendered he created a sensation by attempting to upbraid the Court and jury, and declared his innocence. The jury tempered its verdict with a recommendation for clemency, and the words were scarcely out of the foreman's mouth when Goggins sprang to his feet and exclaimed: "I have been found guilty of a crime I haven't committed." His counsel, Charles Le Barbier, commanded him to sit down until the Court should give him an opportunity of speaking before sentence was passed.

Justice Fursman then said: "I could give you fifteen years' imprisonment for this offence, but as I am disposed to follow the jury's recommendation"——. Goggins was again on his feet before the court officers and his counsel could stop him.

"I don't like to wish the members of this jury any hard luck, but—but"——, and he was pushed back into his seat again. By this time he was in a fury, and hissed: "They and the witnesses will get their punishment hereafter."

Lawyer Le Barbier then whispered in Goggins's ear and told him to keep quiet and save himself unnecessary punishment. The court asked the lawyer if the defence wished to have the prisoner remanded for sentence, or if he desired to have it passed at once. As Goggins could not appeal the case without considerable expense and has no money, he replied that immediate sentence would be preferable.

"Now, Goggins, have you got anything to say before I impose sentence?" inquired Justice Fursman. Goggins did not answer.

"I sentence you to two years in State prison," said Justice Fursman. "You certainly did kill the little girl, but there remains some unexplained reasons for the crime, and I"——

"I don't want to"——broke in Goggins.

"You had been drinking some, and"——

"I say I didn't"——again interrupted the young prisoner.

"Take him away, then," commanded Justice Fursman, who by this time was beginning to lose temper, and the prisoner was hurried out of the room.

The defence set up for Goggins was that he was suffering from transitory insanity when he administered the fatal blow to the frail and innocent child that crossed his path when he was staggering through East Eighteenth street on September 14 last. The young man had been overcome by gas on the Friday and twice on the Saturday preceding the Monday on which the assault occurred. He was employed as a calker by a gas company, which was making connections in Ninetieth street, between Madison and Fourth avenues. Experts had been placed on the stand by the defence to show that an interval of several days might elapse between the time gas is taken into the system and the development of the peculiar insanity caused by gas poison.

Greater City Charter Hearing To-Day.

Albany, Feb. 24.—The first hearing on the Greater New York charter will be held to-morrow afternoon before the Cities Committee of the Senate and of the Assembly. Senator Stranahan has received word from Secretary George M. Pinney, Jr., of the Greater New York Commission, saying that he and General Benjamin F. Tracy, Seth Low and other members of the Commission, will be present.

BLACK HAS THE "MACHINE" BRAND.

Governor's Latest Appointment Provokes Much Adverse Comment.

LUNACY COMMISSIONER.

William L. Parkhurst Named as the Successor of Ex-Representative H. A. Reeves.

Albany, Feb. 24.—Governor Black gave another severe shock to his reform friends in the Republican organization to-day. The Governor's appointment to-day of William L. Parkhurst as a Commissioner in Lunacy, in place of ex-Representative Henry A. Reeves, whose term expires some weeks hence, is apparently to be explained on no other ground than that the Governor intends to regard machine loyalty as the test of efficiency in making State appointments.

Mr. Parkhurst comes from Canandaigua, Senator Raines's home, and was never distinguished for especial ability or public spiritedness when he served in the Assembly. Raines made it a point to secure the indorsement of Representatives Wadsworth, Ray, Odell and Payne, and ex-Senator Hiscock, ex-Secretary of the Navy Tracy, and others, including Chauncey M. Depew, "Jake" Patterson and Frederick S. Gibbs. The statement was freely made about the corridors to-day that the most influential of these gentlemen gave a perfunctory indorsement of Mr. Parkhurst at Senator Raines's request, never dreaming that Mr. Parkhurst would secure this important office.

Senator Raines exerted all his influence to secure the immediate consideration of his protege's name by the Finance Committee. To-night the committee met and after a warm discussion enough votes to secure a favorable report were drummed up, several of the Republicans and all of the Democrats dissenting. In view of the fact that almost $4,000,000 is annually spent for supplies for the insane it may be readily seen how a commission consisting of politicians alone could show favor to certain contractors in payment for political services. In the past Governors having places on this commission to fill have been extremely careful that no taint of "practical politics" should attach to the appointees. Governor Black's failure to adhere to the practice of his predecessors in this respect is certain to cause a storm of opposition.

WOULD CONTROL HIGH COURT.

Kruger Wants the Tribunal to Come Under Volksraad.

Pretoria, Feb. 24.—President Kruger has appealed to the Volksraad to pass the proposed law placing the High Court of the South African Republic virtually under the Volksraad.

This, the President declares, is necessary in view of the persistent attempts of Cecil Rhodes to undermine the Republic. The Chief Justice of the High Court and his associate justices have issued a declaration that the proposed law, with its new oath, would interfere with the independence of the court.

$5.48 $5.48

We are going to stimulate trade this week by offering one hundred

IMPORTED ZAMONIA RUG COUCHES

For $5.48

These Couches are well made, with good wool fringe, upholstered with tow and moss (no excelsior). The rug is of the finest texture (not the ordinary Wilton rug), and is guaranteed for wear.

EVERYTHING FOR HOUSEKEEPING.

Liberal Credit to All

Furniture, Carpets, Bedding, Stoves, Tinware, Crockery, Curtains, Lamps, Clocks, Pictures, Baby Carriages, Refrigerators, etc.

We still have on exhibition the coziest four (4) room flat for $138.00 ever shown.

(50 cents charged for packing Couch for out of town deliveries.)

One Dollar per Week

J. BAUMANN & BRO.,

1479, 1481 and 1483 3d Ave., at 84th St.

84th St. Station "L" or Cable Cars. Open Saturday till 10 P. M.