

THE STRANGE CASE OF "JOHN SMITH."

Accused of Attempted Suicide, He Makes Charges Against the Police.

Says He Was Held Up, Nearly Murdered, and Left Insensible in the Gutter.

Walked Over Two Miles with Two Bullets in His Skull and One in His Face.

PISTOL SHOTS FIGURE AS EXPERTS.

Notwithstanding the Evidence, the Jury Disagrees Under the Forensic Oratory of Dr. H. Digby Johnston.

Future generations of ambitious law students are likely to be bothered with the strange case of John Smith, accused of attempting to exterminate himself by means of a seven-chambered pistol.

Smith, so far as is known, is the first man who, repenting of his determination to die, has attempted to cast on the Police Department of this city the odium of allowing a hold-up on a business street, several shots to be fired into an unoffending citizen, and then permitting him to lie for hours exposed without an effort to succor him.

Indicted as "John Smith" while he was having bullets taken from his head at Bellevue Hospital, the man now denies the "Smith" and says he is John Southard, of Newtown, L. I., and that he has lived and is well known in Baldwin, Hempstead, Riverhead, Freeport and other Long Island towns.

A Startling Tale. He was a member of the Sixth Connecticut Regiment during the war. He is forty-eight years old, and during his trial was dressed in a mixed blue and gray half-cotton suit, and twined in his fingers a blue cap. His hair is scant and gray, his face deeply wrinkled, but with all his misfortunes he seemed to take a fairly cheerful view of life.

He told the Court and gentlemen of the jury that for some time previous to October 16 last he had been picking crabs at Riverhead; that on that date he arrived in New York, possessed of \$27, and that he took lodgings at No. 110 Forsyth street, on the top floor.

At 12:30 a. m. on November 24 last, feeling the pangs of hunger, he sauntered along the Bowery, and at No. 29 regained himself on beef and beans and that trifling article of pastry known as "sliders." On his way home he walked through Canal street, and he had advanced to the distance between the Bowery and Forsyth street he felt a bullet strike the right side of his face near the temple. He fell, and, while lying prostrate, two other pistol bullets struck the top of his skull.

As nearly as he could judge he remained motionless for about a minute, and then arose and walked back to his room. His idea is that it was by this time in the neighborhood of 4 o'clock in the morning, as people were passing on their way to work. On reaching his room he tested his bullet-head on the centre table.

Police on Their Mettle. At 9 o'clock he washed his wounds, put on his overcoat and started for Bellevue Hospital, walking all the way, a distance of over two miles. There he told the story of the attack, and immediately Policemen Neil and Carter, of the Eleventh Precinct, were sent out to verify it. They walked over the whole route the man said he had taken after attack, but could not find a drop of blood or a person who had seen the sight of his assailants.

The police department, on its part, proved that Smith had been in New York for three weeks; that his kinfolk were in no condition to help him, and that he was without money or persons who could get him any. Smith said when first questioned that the pistol had been held within four or six feet of his head. There were discolorations of powder in the neck and scalp, and the police tried to show by this that the pistol must have been held much closer.

Shots at Close Range. They put on the stand Captain Petty, the expert pistol shot of the Police Department, and Dr. Gorman, a police surgeon of large experience. In the basement of the Charles Street Station House there were two pistols, one of which was identified with a pistol of the exact size and calibre as that found in the defendant's room.

Their joint judgment was that the shots must have been fired at a range of from three to four inches, though they would not say under what circumstances the board targets were presented to the jury by Captain Petty, who labored greatly with a disorder that usually occurs in the neighborhood of \$20 a day.

Then came the summing up. The jury looked wise. Judge McMahon pulled his beard and said that he was not sure, but he must needs try to discredit the finest police department that the world had ever seen. He scolded the cranberry picker to the best of his ability, wound his weary way through the tangled evidence to the verge of a conviction for perjury, and sprinkled sarcasm over the great and good Dr. Johnston, who appeared for the defendant. Then he sat down and looked hard at the jury.

Effect of Eloquence. H. Digby Johnston is the talented Englishman who has made life a burden to the Tombs "shysters," and who believes that most of them should be forced to plead behind the bars. He is a man who, and content with a dastardly attempt at self-murder, must needs try to discredit the finest police department that the world had ever seen.

When he arose to deliver there was silence in the court. It would be impossible to reproduce that plea, for the eloquence of it caused the reporters' pencil to drop and his mouth to open. Rapidly he went over the philosophy, the history and the ethics of suicide as a fine art. He skipped through the Greeks, and no Latin, and wound up with "I'm the younger."

When he sat down it was all over. The jury had been won, and few stayed for the verdict, well knowing that it cannot be either an acquittal or a disagreement. It turned out to be the latter. Dr. Johnston sat behind the jury, and he was the first time in all his experience he had ever defended a man accused of attempted suicide.



POSITIONS WHICH THE POLICE THINK "JOHN SMITH" TOOK TO SHOOT HIMSELF.

The man who now says his name is John Southard told a remarkable story at Bellevue Hospital on November 24 last, when he applied there for surgical aid. He said that while walking in Canal street he was shot in the head, and that more shots took effect in his skull while he lay on the ground. The police declare the man attempted suicide, and produced expert testimony during his trial yesterday to show that his own hand must have held the pistol that fired the shots. The jury disagreed.

NOT ALL PEACE IN THE WIGWAM.

Political Broil Over the Leadership in Three Districts.

Former Police Justice Diver Is After Nicholas T. Brown's Scalp in the Second.

Strong Opposition to William H. Burke, Girov's Protege, in the Thirty-first.

EFFORT TO RETIRE JACOB SEABOLD

He Doesn't Enjoy the Confidence of the Braves in the Thirty-fourth and Was Only Saved from Defeat Last Year by Henry D. Purroy.

Tammany's warriors are preparing for the annual primaries which will soon be held and which may result in some changes in the Executive Committee. In three of the thirty-five Assembly Districts in the city there are bitter fights over leadership.

These are the Second, Thirty-first and Thirty-fourth Districts.

In the Second District, which is historic fighting ground, former Police Justice Patrick Diver is contesting the leadership with American Nicholas T. Brown. Diver was the leader of the district for many years, retiring in 1894, following the expose of the election frauds of 1893, which resulted in the indictment and conviction of several election officials. At that time the two men were close friends, Brown having been Diver's chief lieutenant for some time. When the latter led the Executive Committee Brown succeeded him, and for a while everything was harmonious in the district.

The first indication of trouble came when Diver's friends commenced to circulate reports that the Alderman was uniting on a machine of his own in the district and was ignoring many of the old wigwam followers. Then came an open rupture between the two men, Brown and many of his friends resigning from the Patrick Diver Association, which had been recognized as the official Tammany Club of the district, and starting a new organization. During the past few weeks meetings and conferences have been held almost every night by the rival factions, and there is more practical politics being played in the district than in many a day.

The sentiment in the General Committee seems to be about equally divided between the two leaders, and the result of the contest is problematical. Each man claims to have a majority of the members of the committee with him. Civil Justice Herman B.ile is with Diver, and "Big Tom" Foley and James J. Walsh have taken sides with Brown. The Brown members of the committee have forwarded resolutions to Leader John C. Sheehan, in which confidence is expressed in the Alderman and a desire expressed for his retention as leader.

On the other hand, the Diverites have appointed a committee to call on Mr. Sheehan with a copy of a resolution adopted a few nights ago, in which Brown's leadership is repudiated and the statement made that his policy has driven hundreds of Democrats in the district out of the Tammany ranks.

The Brown faction charges Diver with having deserted the indicted election officials in 1894 and of going to California until the storm had blown over. This is denied by Diver's allies, who claim in return that the Diver Association paid the fines of many of the officials, and is now supporting the families of two of the men who are serving terms in Sing Sing. It is said that \$7,300 has already been spent in this cause. It was understood that Diver wanted his son, James Diver, to take Brown's place in the Executive Committee, but now it is said that the success of the Diver forces means the return of the former Police Justice. He was one of the former outsiders who signed the testimonial to Mr. Sheehan at the close of the last campaign.

Strong opposition to the leadership of former Police Justice William H. Burke has developed in the Thirty-first District, where Nicholas J. Hayes and former Assemblyman Louis J. Davidson are leading the fight against him. Burke is one of former Mayor Thomas F. Girov's lieutenants, and narrowly escaped defeat last year. He is charged by his enemies with detaching his constituents and of alienating many voters from the Wigwam by his course. They add that the district, which was formerly Democratic, has passed into control of the Republicans on account of the feeling against Burke. He is also charged with being a recent hunger, and being a member in the Thirty-third District, while he is at the head of the Tammany organization in the Thirty-first.

A delegation, headed by Hayes, visited Mr. Sheehan and requested that he be permitted to name half of the officials to act at the primaries. Mr. Sheehan has determined to have each faction select an inspector, and he will name the third. This will insure an honest count, and will not give either side any advantage. Deputy Commissioner Jacob Seabold, of the Department of Street Improvements in the Twenty-third and Twenty-fourth wards, the leader in the Thirty-fourth District, does not enjoy the confidence of all the Tammany men in his burroughs, and there is a movement on foot to retire him. The opposition to Seabold has been growing for three years, and he would have been defeated last year had it not been for the help of County Clerk Henry D. Purroy. The Thirty-fourth District takes in the upper east side of Harlem and the lower part of the north side. It is in the Harlem portion of the district that the feeling is strongest against Seabold. He has lost his district, formerly a Democratic stronghold, twice in the last three years.

The situation in the other districts is peaceful, although other contests may arise before the holding of the primaries.

COAL COMBINE A BOOMERANG.

It Hoisted the Price of Coal and, a Paradox, It Lost Money.

Poor People Were the Sufferers, but Their Enforced Contributions Were Too Small.

Heavy Manufacturers Found a Substitute Fuel When the Raise Came.

J. P. MORGAN SCONES A FAILURE.

Likelihood that the Trust Is Broken. It Cannot Continue to Lose Money and Live.

From present appearances Mr. J. P. Morgan's coal combine, formed nearly a year ago for the purpose of raising the price of coal and restricting the output, will not last beyond the time specified in the agreement—January 1, 1897. Already there are bickerings and murmurings among the barons interested, and through it all there looms up to gladden the sight of the poor, who have been ground down by the coal combine, the fact that it has virtually hoisted itself, that by the methods adopted, the coal combine has been a boomerang, which has come back to smite the men who threw it on February 1 last.

Last January the coal roads, miners and carriers of anthracite coal entered into an agreement, the terms of which have never been definitely ascertained, but which had for an object the boosting of the price of coal and the lifting of the production. The combine has succeeded in raising the price of coal about a dollar a ton up to this time, but paradoxical as it may seem, though the barons get a dollar a ton more for their coal, they have been losing money.

Coal Roads Lose Money. This is shown by the statements of the net earnings of the roads most prominently interested from January 1 to October 1 of this year.

The New Jersey Central, a heavy coal road, earned, net, in the time mentioned, \$3,844,952, a decrease of \$333,340 compared with the corresponding period last year. The Pennsylvania Lines east of Pittsburgh show a net decrease of \$1,927,500; those of Pittsburgh there is a decrease of \$1,448,160, a total on this road of \$3,375,600. The Philadelphia & Reading, which Morgan's reorganization and with new capital behind it, was thought to be a success-

money-maker this year, or, at least, a road that would show a substantial increase in net earnings, comes up on October 1 with a net decrease in earnings of \$244,474. The Delaware & Hudson breaks a record. For the first time in seven years this road has not earned the regular 7 per cent dividend. A dividend may be declared, but it will be paid out of the surplus and not from the earnings this year. These are the ruling roads of the combine.

Barons Were Outwitted. It was simply a case of smart man against smart man in this coal combine business, and the barons were outwitted. The poor people, the dwellers in cities and in towns, who buy their coal by the ton or by the bushel or by the pull-paying more for it in proportion to the smallness of the purchase—have paid the profits of the coal combine this year. On the other hand, the big manufacturers, men who burn more coal in an hour than 100 average city families could get away with in a week, have rolled up the losses for the coal barons, because they have bought no more coal than they absolutely needed. The losses another profit made from the poor, from which the poor may take what satisfaction they can gather.

The only distressing feature to Mr. Morgan is the absence of profits, and this feature is due to the unwillingness of the coal consumers, the men who run factories and saw mills and the like, are generally rich men, and they are not about to take care of themselves without the assistance of the coal combine. But the poor men who burn coal had to stand the raise.

The rich men cast about for some cheaper method of making steam or for some power substitute to do away with coal. Gas and oil were called upon, and they seem to have solved the difficulty. Many great manufacturing institutions have built large gas plants in connection with their manufacturing plants, and are using coal and oil gas for fuel in some instances using gas direct for the purpose of driving engines and machinery. Other large concerns use oil entirely for generating steam.

Smaller concerns, unable to afford the expense of private gas plants, have bought small gas engines, which are used to propel dynamos and thus generate great electrical power. This has been found to be much cheaper than the old coal boilers, and within the past few months hundreds of manufacturers have convinced themselves of the fact by experience. Added to these losses of revenue by the combine there is one other, and it is not unimportant. Thousands of New York families live in tenement houses, and they are not so well off as they once were. The raise in the price of coal last winter prompted them to look out for some other method of heating their apartments. Small gas stoves and oil stoves were found to be less expensive than coal stoves, and today there is an unprecedented sale in New York for these modern heaters.

Improving an Opportunity. It was these conditions that led to the proposed gas grab, mentioned by the Journal, that man behind this scheme, seeing the great and sudden increase in the use of gas, and realizing that a cheap fuel gas will be a commodity that will approach a necessity in New York before long, was concluded to get in on the ground floor. They almost succeeded, and the result, for the sake of striking a blow to the growth of the gas and oil and electrical industries and the gradual crowding out of coal.

THREE JURIES TRY HIM.

No Witness for the Defendant, and Only One for the Prosecution, Which Wins the Case.

Hackensack, N. J., Dec. 22.—Three unusual cases were tried in the Bergen County Court of Common Pleas to-day before Judge Van Valen, in which Charles Deckers, of Tenafly, figured as defendant in each. He had been indicted for malicious mischief and for assault and battery upon Peter Westorret, a constable, and Frank Bower, a Tenafly druggist.

Inside of two hours all three cases were finished, and the three juries were out at the same time. The juries in the assault cases reported at the same time, one being for acquittal and the other for conviction. The defendant was convicted on the malicious mischief charge.

Lawyer Smith did not have a single witness, refusing to put even the defendant on the stand. Prosecutor Starg had only one witness in each case, and did not sum up. Smith, however, summed up, allowing himself three, four and five minutes for each case.

MARBLE STATUE OF FRANKLIN.

Presented to the Newark Public Library by Dr. Coles and His Sister.

Scotch Plains, N. J., Dec. 22.—The handsome marble statue of Benjamin Franklin, and his wife, which was exhibited at the Centennial in 1876, and belonging to the estate of the late Dr. Abraham Coles, has been presented to the Newark Public Library by Dr. J. Ackerman Coles and his sister, Miss E. S. Coles.

The statue is life size and chiseled from the finest Carrara marble. It was conceived and executed by Pasquale Romanello in Italy, where it was purchased by Dr. Coles while on a tour of Europe in 1865. It stands on a carved base of dark Algerian marble and is valued at \$3,500.

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Handling these goods in such large quantities, we are able, and do, sell cheaper than anybody in this or any other city on the continent.

A sample order will convince every one of the truth of the above statement.

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WHITE WINES. Per Gal. TABLE WINE, 1891.....\$0.89 HOCHHEIMER, 1890.....1.00 RESSLING, 1889.....1.25 GUY, 1889.....1.25 JOHANNISBERGER, 1888.....1.25 FLEGENHEIMER'S AUSLESE, Non J. 1.50 OBERLASS, 1889.....2.00 WACHHEIMER.....2.50 OFENHEIMER GOLDBERG.....10.00 per doz. STEIGSTEINER.....12.00 per doz.

RED WINES. Per Gal. TABLE WINE, 1891.....\$0.80 MALAGA, 1889.....1.25 ST. JULIEN, 1889.....1.25 ZINFANDEL, 1889.....1.25 PINOT, 1888.....1.25 ZINFANDEL, 1887.....1.50 BURGUNDY, 1886.....1.50 ST. EMIL, 1889.....1.75 CHABRON, 1888.....2.00

WHISKIES AND BRANDIES. RYE AND BOURBON WHISKY.....\$1.75-2.50 COGNAC BRANDY.....2.00-3.00 GRAPE BRANDY.....3.00-4.00 BRANDY "PRIDE OF CALIFORNIA" 1871.....1.50 KUEHNEL BLACK BERRY BITTERS 1.50-2.00 JAMAICA RUM, HOLLAND GIN.....2.00-3.00 RUM, ARRAC AND WINE PUNCH ESSENCES.....2.75-3.00

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Grand Vin Brut VINTAGE 1889. Reserve Cuvée VINTAGE 1889. CASES, 12 quarts, \$21.97. CASES, 24 pints, \$23.97.

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Wanted--An Idea Who can think of some simple thing your ideas, they will bring you a large sum of money. JOHN WEDDERBURN & Co., Dept. E. Patent Attorneys, Washington, D. C. for their \$1,000 prize offer and new list of 1,000 inventions wanted.

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Gift Things for Men. Cork Sole Shoes, \$2.97 pair; all styles of shoes. White Buckets, \$2.07. Double Soled Calf (calf lined), \$2.37. Light-weight Rubbers, 69c. 20 styles of Holiday Slippers. Men's Hats. Silk Hats, \$5.90, \$4.80, \$3.50. Opera Hats, \$4.50. Derby in Black, Brown and Russet. \$1.90 to \$2.50. Alpines in Pearl, with black band, \$1.90 to \$2.00. Coachman's Hats, Golf Caps. Men's Furnishings. Imported Hosiery, (unlined socks and plaid). \$1.98. Finer Hosiery, (unlined socks and plaid). \$2.98 to \$11. These are the import samples of Messrs. Passant & Co. Prices are about half. Rich Imperials and Four-in-Hands, 40c; worth \$1.00. A large lot of choice Neckwear at 25c each; the usual 50c kind.

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