DOES SIMMONS KNOW JUROR NO. 11?

The Trial of the Bank Wrecker Stopped Upon Information Given by Broker Charles Ward.

MR. NEWCOMBE'S SHARP LETTER.

He Casts Discredit Upon the Informant's Sworn Statement and Declares His Client Is Unknown to Mr. Goodnow.

MAY COMPEL A NEW TRIAL.

The trial of the case against James A. Simmons, the bank wrecker, in the United States Court yesterday was suddenly adjourned by Judge Benedict until Monday. The air was thick with mystery.

The announcement of the adjournment was made from the bench after the audience and witnesses had been kept waiting an hour and a half. No explanation was given, and counsel for the defence and the United States District Attorney and his assistants declined to talk about it.

The only statement which Judge Benedict would make was this formal one in dismissing the attendants and jurors:—

"In regard to the trial of Simmons, circumstances have come to my knowledge to-day which renders it my duty to adjourn the case."

With this information ceased. However, through the cloud of mystery loomed up a grave charge against the good faith of the defence. The jury which was selected with so much care was declared to be worthless, inasmuch as one man in it was said to be acquainted with and friendly to the defendant. The integrity of the entire proceedings was impeached.

MR. WARD'S AFFIDAVIT.

When the jury was selected on January 28 it was believed by the prosecution, as well as by the defence, to be eminently satisfactory. Great efforts had been made to obtain men of intelligence who were absolutely unprejudiced.

The trial progressed for a few days, and was to resume at the usual time yesterday morning, when a neatly dressed man, who gave his name as Charles Ward, of No. 132 Park avenue, sent in his card marked "important" to Mr. Mitchell. The District Attorney and the stranger were closeted together for some time, and before leaving Ward left with the District Attorney an affidavit to the effect that the eleventh juror, Mr. William Goodnow, of No. 171 Broadway, a broker, was acquainted with the defendant. Ward particularized the occasions on which he had seen the two men together, though he admitted that he knew of no meetings between them since 1884, seven years ago.

Mr. Mitchell submitted the affidavit at once to Judge Benedict, who was greatly surprised, and held a consultation of nearly three-quarters of an hour with Mr. Mitchell, his assistant, Mr. Mott, and their associate in the prosecution, ex-District Attorney Rose. It was agreed that the charge was a grave one, and should be immediately placed before the defendant's counsel for explanation.

Messrs. Richard S. Newcombe and Charles A. Hess, Simmons' lawyers, were awaiting the coming of Judge Benedict in the court room. They were summoned, and they, too, appeared greatly surprised and mortified at Ward's affidavit. "If this is true," exclaimed Mr. Newcombe, "I shall wash my hands of this case. I believe, however, that Mr. Simmons does not know Mr. Goodnow and has never seen him before. I shall ask him."

Mr. Newcombe went back to the court room and held an energetic conversation with his client, but Simmons' reply invariably was:—"I don't know the man. I do not remember to have ever seen him."

MR. MOTT DROPPED A LITTLE HINT.

It was then agreed that an investigation should be made of Ward's charges, and that pending it absolute secrecy should be maintained.

After the adjournment I saw Assistant District Attorney Mott, and upon inquiring from him the reasons for the adjournment, was met by an emphatic refusal to talk about it. Upon my suggesting that it was exceedingly unusual for an adjournment to be made the subject of so much secrecy, Mr. Mott replied:—

"Not necessarily. I could mention a number of reasons for the Court and counsel so acting. For instance, suppose——" Then Mr. Mott hesitated and continued, laughing, "Of course, this is not the reason in point, but it will do as an illustration—suppose the Court had reason to believe that the jury was not trustworthy and he desired time, before continuing the case, to ascertain the accuracy of his information; wouldn't he be justified in the course he has pursued in the present case?"

I acknowledged this and by a word dropped here and there during the brief ensuing conversation inferred that Mr. Mott's supposititious case was the actual one.

The information which was secured from Mr. Mott I submitted to Mr. Charles A. Hess, who was disposed to deny that the adjournment was in any way related to the trustworthiness of the jury. He acknowledged, however, that detectives were employed in charges which had been made, which, were they proved, would seriously damage the standing of his client before the court.

THEN MR. NEWCOMBE GOT ANGRY.

When I saw Mr. Newcombe he, like the others, refused to converse about the case, but when I informed him of my conversation with Mr. Mott he at once wrote the following letter to Mr. Mitchell and sent it, receiving word by messenger that there was no answer:—

"EDWARD MITCHELL, United States District Attorney, Southern District of New York:—

"MY DEAR SIR—Since leaving your office after adjournment of the trial of the Simmons indictment I received a visit from a representative of the NEW YORK HERALD, who informed me that one of the assistants in your office in effect informed him that the postponement of the trial was due to the information communicated to you tending to affect one of the members of the jury, and that it is the intention of that paper to publish that fact in to-morrow's issue.

"You must of course appreciate that such a publication cannot but tend to seriously affect my client's interests unless it be accompanied with such an explanation as the facts warrant. Hence I write you this letter.

"That there may be no room for mistake I understand the following to be the facts:—

MR. WARD'S ALLEGATIONS.

"This morning a gentleman by the name of Charles Ward, claiming to be a broker carrying on business at No. 132 Park avenue, called upon you and stated that he yesterday visited the court room; there recognized Mr. James A. Simmons as a person who had occupied rooms A and B at Nos. 165 and 167 Broadway during the year 1884; that he recognized Mr. William E. Goodnow, the eleventh juror, as a gentleman who during a part of the same period had occupied room C in the same building for a period of three or four months; that room C adjoined room B, occupied by Mr. Simmons, and that he had several times seen Mr. Simmons in conversation with Mr. Goodnow between the months of January and May, 1884, in some part of No. 165 Broadway.

"You thereupon called my attention to the examination of Mr. Goodnow before he was accepted as a juror in which he declared that he did not know Mr. Simmons and to his knowledge had never spoken to or seen him.

"Immediately upon your giving me that information I stated the facts described by your informant to Mr. Simmons. He most positively declared that he did not know and to his knowledge had never seen Mr. Goodnow or spoken to him. That if Mr. Goodnow occupied room "C" in the building No. 165 Broadway, in the early part of 1884, that he, Mr. Simmons, had no knowledge whatever upon the subject.

FACE TO FACE WITH THE "INFORMER."

"Under this condition of affairs the trial of the cause was postponed until next Monday and I agreed with you to bring Mr. Simmons with me to your private office for the purpose of your interrogating him upon this subject.

"I brought him and there met the informer. It there appeared, from the informer's statements to you in our presence, that a quarrel had taken place between him and Mr. Simmons, either in 1884 or 1885, and it also became evident that the information he gave you was given with the evident purpose of injuring Mr. Simmons.

"I then requested you to retain possession of the informer's affidavit and now publicly request you so to do, with an assurance that at the termination of this trial the truth or falsity of the informer's information shall be inquired into either by the Grand Jury or a committing magistrate.

"I have carefully investigated the subject myself, and am perfectly confident that Mr. Goodnow honestly and truthfully declared on oath that he did not know Mr. Simmons, and I am equally confident that Mr. Simmons' declaration to you and to me was a truthful declaration, and that he did not know Mr. Goodnow, and that to his knowledge he had never held any conversation or communication with him.

"Of course I cannot shut my eyes to the fact that if there is the slightest foundation for the informer's oath to you that there is or was any intimacy existing between Mr. Goodnow and Mr. Simmons that such fact will necessarily operate to my client's prejudice. If, on the other hand, the informer has, as I believe, falsely made the statement referred to, it will not, in my opinion, have any effect upon the mind either of Mr. Goodnow or any member of the jury.

"It is not a little surprising to me that the informer after a lapse of nearly seven years is able to-day to state that he accidentally saw Mr. Goodnow and Mr. Simmons consulting with each other in any of the corridors of that public building at that time.

"I shall be ready to proceed with the trial of this case on Monday, unless some more reasonable ground is urged than what I believe to be the false and malicious charge by a person confessedly entertaining ill will toward Mr. Simmons.

"I am now engaged in inquiring into the character, surroundings and antecedents of the informer, Charles Ward, and shall be glad to submit the result of my investigation as soon as I am in receipt of the same.

"I am, my dear sir, regretting exceedingly this unfortunate occurrence, with assurances of respect, yours very faithfully,

"RICHARD S. NEWCOMBE.

"The foregoing communication meets with the approval of my associates."

GOODNOW AND SIMMONS.

Of course the affidavit of Broker Ward places Mr. Goodnow in a decidedly awkward position. He refuses to say anything about the case, however, beyond repeating his declaration that he does not know Simmons, and to the best of his recollection has never seen him before he saw him in court. Mr. Goodnow's friends acknowledge that he did occupy offices at Nos. 165 and 167 Broadway in 1884-5, but that they were certainly not aware, nor do they believe that Mr. Goodnow was aware, that such a man as Simmons existed.

Simmons denied to me that he ever met Mr. Goodnow. He said that Broker Ward's action was urged by a desire for revenge. In 1884, he said, Ward was agent of the building, and that he had had quite a squabble with the former about the amount of rent for rooms Nos. 16 and 17, which he occupied. This led to Ward securing a writ of ejectment and serving it upon Simmons. The latter says that in order to avoid further bother about the matter he merely paid the rent and abandoned his offices. He was willing to make the most solemn assurances that he was not acquainted with the juror. In fact, he added, he was willing to declare that none of the persons who then frequented his office knew Mr. Goodnow.

Mr. Ward, further than declaring that he was willing to abide by the statements made in his affidavit, declined to discuss the case.

THE DEFENCE WILL INVESTIGATE MR. WARD.

The District Attorney refused to make any statement, his chief anxiety being to defend Mr. Mott from Mr. Newcombe's insinuation that the former had told of the reasons for the adjournment, a thing of which Mr. Mott is absolutely innocent.

Counsel for the defence declare that they will sift the implied charge against their client to the uttermost. If they are able to prove that Mr. Ward's statements are unfounded they will insist upon a continuance of the trial by the present jury. Mr. Hess says that at the time Mr. Goodnow was chosen there was a very grave doubt in his mind as to his desirability as a juror. In fact he had asked Simmons' advice about accepting him, and the latter was opposed to doing it. Finally, however, when the jury was completed, he and Mr. Newcombe agreed that it was scarcely worth while to consume any more time. "So you see," said Mr. Hess, "Mr. Goodnow was by no means the favorite juror."

Kipling draws and quarters Chicago and William Black gives another instalment of his latest Highland story in the SUNDAY HERALD.

HER FURNITURE SPIRITED AWAY.

MRS. DELABARRE'S COUNSEL SAY THEIR SEARCH FOR IT HAS BEEN OF NO AVAIL.

Counsel wrangled so much yesterday in the suit of Mrs. Elizabeth M. Delabarre against Louis Silverman and others that Judge Andrews in Supreme Court, Chambers, lost all patience.

Mr. Clark Bell who, with Mr. Samuel B. Paul, appears as counsel for Mrs. Delabarre, gave a vivid portrayal of the unavailing searches made by the receiver for her household goods, recently taken from her house, No. 44 West Twenty-second street, in foreclosure proceedings of R. Silverman upon a chattel mortgage for $6,750 given as security for a loan of $5,000. He could not find out who R. Silverman, to whom the mortgage was made out, is. The "R." might stand for Rachel, the wife of Louis Silverman, as there was reason to believe.

It seemed quite certain that the furniture had taken a circuitous route since it was carried away in twelve truck loads. It was claimed that the mortgage had been transferred to Mrs. Lillian Moran, said to keep a place in Williamsburg similar to the Silvermans' in Brooklyn, and that Mrs. Moran transferred the same to Fry & Winans, alleged proprietors of a like loan establishment in Harlem.

"Here is a case," said Mr. Bell, "where $15,000 worth of property has been seized under an alleged chattel mortgage when an injunction has been issued from the court to the mortgagees not to make any transfer or disposition of the property pending a suit to determine the question of the validity of the mortgage, when a receiver has been appointed to take charge of the property meantime and where no trace of the seized furniture can be found. Court orders have been utterly disregarded and parties made defendants in the action are keeping out of the way to avoid service."

"My client, Louis Silverman," interrupted Mr. Kalish, "was not present at the seizure of the property and knows nothing of its present whereabouts."

"If Louis Silverman will make an affidavit to that effect," retorted Mr. Bell, "I'll have him in prison."

Mr. Bell said that this was the return day in the injunction proceedings, and that meantime the seized furniture was in jeopardy. He said that a messenger, who had no authority, signed a stipulation in his name.

Judge Andrews said that if any counsel had failed to attend through an understanding on his part that the motion would not be made until Monday it would not be fair to proceed in the absence of such counsel, but if the property was in greater jeopardy through the motion not being heard till then he would hear the motion on Saturday.

Mr. Bell said that it was important that George and Rachel Silverman should be sworn pending the hearing on the motion, as they were evading service.

"I have heard wrangling and abuse long enough," observed Judge Andrews, and directed an order to be entered postponing till next Friday the hearing on the motion, and meantime continuing the injunction and receivership and permitting substituted service of the summons and injunction upon George and Rachel Silverman.

HER WANDERINGS AT AN END.

DEATH COMES AS A RELIEF TO THE WRETCHEDNESS OF POOR LIZZIE MULLER.

An unknown woman wandered aimlessly about the streets yesterday morning. She was faint and hungry, and finally stopped in front of a coffee stand at No. 94 Park street.

She was a young woman, not over thirty apparently. Her face bore the marks more of suffering, sorrow and want than of dissipation. She was poorly clad.

"John," she said to the man at the counter, an Italian whom every one in the neighborhood calls by that name, "I'm cold and hungry. I want a cup of coffee, but I have no money."

"All right," said John, "just sit down there and you shall have it."

The woman seated herself at a small table, took from her pocket a crust of bread and dipping it in the hot coffee began to eat it.

FELL DEAD TO THE FLOOR.

"Here," said John, "I'll warm it for you."

As the man took the crust to toast it before the fire in the stove the young woman gave a sudden start.

"Oh!" she exclaimed, "I am so sick!"

A sudden convulsion seized her, her features were contracted as if in great agony. Then her face assumed an expression of repose. Her body sank to the floor. She was dead.

"Convulsions brought on by Bright's disease," was what Deputy Coroner Donlin said after he viewed the body. "Starvation, more likely," observed a bystander.

Then another woman came in from the street.

"Oh," said she, pointing to the dead body, "I know her. That's Lizzie Muller." And she as abruptly left the place. The body was taken to the Morgue.

On the dead woman's person was found a few Salvation Army tracts, a rosary and a crumpled bit of paper upon which were printed several verses. Dr. Donlin read the first verse aloud. There was not a dry eye in the room when he had finished. It ran as follows:—

On the street, on the street,
To and fro with weary feet,
Aching heart and aching head,
Homeless, lacking daily bread;
Lost to friends and joy and name,
Sold to sorrow, sin and shame,
Wet with rain and chilled by storm,
Ruined, wretched, lone, forlorn,
Weak and wan with weary feet
Still I wander on the street.

She will be buried in Potter's Field.

MME. PORRET'S CHARGES.

The "French Madame" Porret, who charges Nathaniel Niles with embezzlement and obtaining money under false pretences, was yesterday in the Tombs Police Court.

Justice Hogan presided and Counsellor David Newberger appeared for the Madame.

Nathaniel Niles was surrounded on every side by his friends.

The "French Madame's" answers to questions made Lawyer Truax tired. Only two statements were elicited during the two hours' examination. All that Mme. Porret claims is that in August, 1888, the ex-Sunday school superintendent was the ostensible owner of the disorderly house No. 40 West Twenty-ninth street.

Lawyer Truax produced affidavits which the "Madame" signed eighteen months ago, but she refused to identify them.

"Those papers have been in the hands of the 'President'," said the Madame with withering scorn. "Consequently I would not like to say whether they have my signature or not."

The hearing was adjourned until next Thursday.

SUMNER THE MYSTERY TRUTHFUL AT LAST!

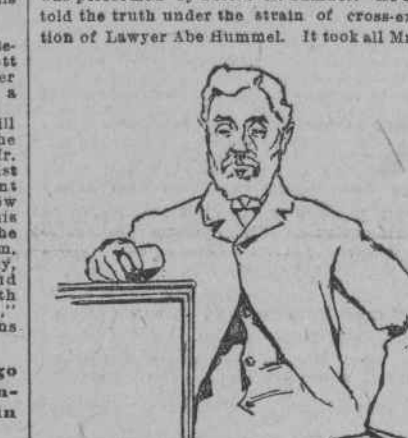
Lawyer Abe Hummel Extracted One Fact from Him at the Inquest on the Astor House Suicide.

EDGAR OR SMITH WAS HERE

His Story Actually Corroborated by a Young Woman Who Lets Furnished Rooms by the Year.

Coroner Levy began an inquest yesterday on the mysterious and unidentified suicide in the Astor House. Coroner Hanly was sick and turned the case over to him. The Edgar mystery firm of Sumner, Powell & Co. were on hand in answer to subpœnas from the Coroner. They had identified and claimed the body as that of George H. Edgar, nephew of old James H. Edgar, whom Perrin H. Sumner identified in the person of the old man who killed himself in the Getty House, Yonkers, last October.

The most wonderful thing done at the inquest was performed by Perrin H. Sumner. He actually told the truth under the strain of cross-examination of Lawyer Abe Hummel. It took all Mr. Hummel's psychic force to accomplish such a result, but I must say, as a matter of justice to the gay old author of the Yonkers mystery, that he told the story well.



SUMNER, THE GREAT IDENTIFIER.

Abe Hummel and Wanhope Lynn represented the people at the inquest, and Mr. Hummel did all the talking.

Sumner testified that he saw the real James H. Edgar under the name of James H. Smith about two months after the windup of the Yonkers mystery at No. 111 East Nineteenth street, in this city; that Edgar was in poor health and had a room on the third floor.

SUMNER'S STORY CORROBORATED!

I went to the address in Nineteenth street after the inquest. It is a house where furnished rooms are rented by the year. The proprietress is a young woman with frank manners. The shock I received at finding that here at last was some one who corroborated Sumner was hard to overcome, but I believed every word the proprietress told me. No one could doubt her after even a few minutes' conversation, and I cross-examined her for more than half an hour.

Now it appears to be true that there is one man—whether his name be James H. Edgar or James H. Smith—who has fallen under the control of Perrin H. Sumner. What is Sumner's influence over him? Has one of the Edgars committed or been mixed up in a crime, as Sumner says? Is it possible that the young man who cut his throat in the Astor House really was one of them? Here are the facts:—

"A room on the third floor of this house was vacant last Christmas Day," the proprietress began. "I advertised it to rent, and that day an old gentleman, who gave his name as James H. Smith or James A. Smith, hired it. He wore a gray beard, was about five feet ten inches tall, not of robust build and seemed in poor health. In fact, he complained of not feeling very well. He said he could not go out much, and that his room must be kept quite warm all the time. He was very well dressed, although not noticeably so, and his manner and bearing impressed me so favorably that I did not investigate the reference he gave me.

HIS REFERENCE.

"I cannot remember the person he gave as a reference. He was going to write it down, but I told him he need not do so. He mentioned the name. It was Mr. Bloss, and Mr. Smith said he had an office with the Mutual Reserve Life Insurance Company in the Potter Building. I remember that distinctly now. The old gentleman was the quietest, mildest person that ever hired a room here. He never went about much. He used to go out to breakfast, then remained in his room all day and then went out only to dinner. He stayed here only a week, although he had hired the room until next August. He had trouble about his trunks, he told me. Through some blunder they were detained in Philadelphia, whence he had just come to New York.

"At the end of a week he went away. He told me he had just received a telegram from some one in the southwestern part of Texas telling him to come on there at once and have his trunks sent on from Philadelphia without waiting for them to come to New York. I remember this distinctly, because he spent fully twenty minutes apologizing and explaining to me. I never saw a man with better manners or a more honest face. He seemed to be in much trouble about something."

TALLIES WITH SUMNER'S TALE.

Now, all this tallies with the story Perrin H. Sumner told me of the whereabouts of old James H. Edgar last winter. The illness and trouble Edgar was suffering from Sumner also told about.

Sumner testified before the Coroner that he had called on Edgar, alias Smith, several times in East Nineteenth street. The housemaid gave an exact description of a man who had called several times on old Smith and once spent the night with him. The description fitted Sumner exactly.

Perrin H. Sumner was the only witness examined yesterday in the inquest on the body of "Fred Evans," the Astor House suicide. His son Artie and William H. Powell were, on motion of Lawyer Abe Hummel, taken out of the court and kept in separate rooms. Then Perrin H. Sumner was sworn and told Coroner Levy the old, old story about his acquaintance with the Edgars. He said he lived at No. 429 St. Nicholas avenue, and his son Artie, whom he described as a "journalist," at No. 330 West Thirty-first street. Artie is not employed on any newspaper, Perrin says. He is simply a "journalist."

When Abe Hummel tackled Sumner the great mystery man grasped the court Bible and held it hard so as to steady his nerves. Mr. Hummel started him on a run by asking in his blandest way:—

"Now, tell me, Mr. Sumner, what is your real business?"

SUMNER'S BUSINESS.

The mystery man said he was a real estate dealer, but all his real estate dealings he could think of for the last two years were the sale of a house in Roselle, N. J., for B. G. Bloss, his son Artie's partner, and the sale of "some Long Island property" to B. G. Bloss.

Then Sumner told Mr. Hummel of his meeting with the Edgars. They came to his office in 1886, he said, to talk business, and he tried to sell them an interest in a paint company, a lot of Western land and all sorts of things, but they wouldn't buy.

Mr. Hummel towed Sumner all through the story of his mistaken identification of the Getty House suicide as James H. Edgar. The HERALD has printed all this story several times.

Q. How long after this mistake did you see James H. Edgar? A. Two months afterward, at No. 111 East Nineteenth street. I received a note, signed James H. Edgar, asking me to call.
Q. What were the contents of the note? A. Oh, it just asked me to call.
Q. Have you the note in your possession? A. No.

Afterward Sumner retracted this and said he thought the note was in his desk. More of Abe Hummel's psychic force pumping brought out the fact that Sumner had asked for James H. Smith at the house and was at once taken up to see Edgar. He explained that he had "forgotten" to tell, although invited to do so, that the note instructed him to call for J. H. Smith.

At this point the inquest was adjourned until ten o'clock Monday morning. Mr. Hummel asked to have Perrin H. Sumner locked in the House of Detention meantime so that he couldn't plot any more mysteries or testimony with Artie, but Sumner pleaded that his wife was sick, and Artie volunteered to be locked up in the old man's stead.

THREE YEARS FOR SWINDLING.

Charles Manzocchi, the green goods swindler who sent one of his circulars to Russell B. Harrison, the President's son, was sentenced yesterday in General Sessions to three years' imprisonment and to pay a fine of $100. Manzocchi is a "pal" of "Hungry Joe," and was arrested with two of his gang at No. 75 Pearl street.

DOES THE CITY OWN THE DOCKS?

MR. BEEKMAN SAYS THE ALLEGED PRIVATE OWNERS ARE MERELY SQUATTERS.

Messrs. Fassett and Stewart, on behalf of the Fassett Senate Committee, resumed their endeavor yesterday to discover how the city of New York could get possession of the river frontage, which is held by men and estates claiming private ownership.

Ex-Mayor Hewitt declined to appear on the ground that he was out of politics forever, and that ex-Corporation Counsel Beekman could voice his sentiments better than he. So the latter climbed into the witness chair, and proceeded to discuss with Mr. Boardman the legal aspects of the case.

Mr. Beekman had evidently studied the dock problems very thoroughly and he gave the committee a succinct account of their history from the time of their establishment down to the present day. "I am entirely opposed," said he "to the idea of returning to the ancient system of private ownership. I believe that it would be impolitic and disastrous to the people of the city.

WATER FRONT RIGHTS.

"The rights in the water front from Charlton street to Corlears Hook were originally invested in private individuals, but as the population increased it became necessary to establish a system for the administration of the water front, and in 1798 a petition was presented to the Legislature which resulted in the enactment of a law by which the city was authorized to establish exterior lines of the streets, wharves and bulkheads, and it was permitted to adopt a system by which riparian owners were allowed to construct exterior streets. Under this system West and South streets were constructed, but it was always intended that all the streets and bulkheads should be public in character."

The term "private ownership," Mr. Beekman said, is a misnomer. All that the property owner can get under the act was the right to receive the wharfage rates established by law. In 1871 an act was passed authorizing the creation of the Dock Department, and a new system was established for the reconstruction of the water front.

The private owners put in a claim for the wharfage fees that they had been collecting, and when the case got to the Court of Appeals it was decided that the water grants originally granted by the city were revoked, but that those who had rights in the property should be indemnified. The question of how much was next submitted to a jury, which decided that $1,000 per running foot would be the proper sum, but on appeal the case went to Grover Cleveland as referee, who decided under the act of 1858 that $100 per running foot was sufficient.

The earning value of an uncovered pier, Mr. Beekman said, was only about $3,000 a year, while one covered with a shed was worth $30,000 a year. But as the right to build a shed emanated from the people and was conferred for a public use, it was not only legal but just and proper that the advantages should go back to the people.

PIERS SHOULD BE PUBLIC PROPERTY.

A discussion followed between Messrs. Boardman and Beekman under the potent spell of which nearly all those present fell asleep. It was finally brought to an end by Senator Stewart, who suggested that the committee get back to the subject into which it was inquiring.

"Why can't you go ahead and have the piers condemned and then seize them and thus have the whole matter settled?" he asked.

"That is not my position," said Mr. Beekman.

"Don't you believe that more drastic measures should be taken for condemning these piers?" asked Senator Fassett.

Mr. Beekman said he thought if the piers should revert to private control a gigantic trust or syndicate would be formed, and under its iron hand the entire commerce of the port would be threatened and retarded.

"I have no doubt," said he, "that a syndicate would take the entire water front and pay more for it than the whole of the city's bonded debt. But the piers are of more value as the property of the city than if they belonged to a private individual or corporation." He recommended that laws be passed which will place the entire water front under absolute control of the city, which owns five-eighths now, and he agreed to unite with Mr. Boardman in an attempt to construct a proper law to that effect.

The committee adjourned subject to the call of the Chair.

THURBER'S WAREHOUSE SOLD.

IT BROUGHT $425,000 AT PRIVATE CONTRACT AND WAS LEASED TO THE NEW CORPORATION.

The property now occupied by the great grocery firm of Thurber, Whyland & Co., bounded by West Broadway, Hudson and Reade streets, running through to Duane street, has been sold at private contract by Hoffman Brothers to William G. Weld, of Boston, and William F. Weld, of Philadelphia, at $425,000 cash. On behalf of the new purchasers Hoffman Brothers have effected a lease to the new Thurber, Whyland corporation for fifteen years at $27,000 a year and taxes, repairs, insurance and expenses of every kind. This is an investment which will produce 6½ per cent per annum.

Robert Auld & Co. sold at private contract yesterday the Ashfield flats at Nos. 305 and 307 West Fifty-fifth street for John Guilford at $51,250. The same brokers have sold for Bradley & Currier, No. 259 West Fifty-fifth street, a four story dwelling for $23,000.

Brokers Morris B. Baer & Co. sold yesterday for Mr. Anderson, Nos. 236, 238 and 240 West Forty-first street, a tenement, on plot 50x100, for $80,000. These premises are now rented at $5,380 per annum.

Only one auction sale took place on the Exchange yesterday. D. P. Ingraham & Co. sold under decree of foreclosure a plot on West Sixty-fourth street, west of Eighth avenue, 150x100.5, for $141,000 to the plaintiffs in the action.

RECORDED TRANSFERS.

116th st., n. w. cor. Lexington av., 24.2x100.11; Nannie S. O'Neill and another to Robert Hughes ... $30,000
Sheriff st., e. s., 150 ft. n. of Stanton st., 25x100; Rebecca Stang to Rosa Fodor ... 27,000
Columbia st., e. s., 300 ft. n. of Rivington st., 25x100; Rosa Fodor to Rebecca Stang ... 23,750
Attorney st., w. s., 100 ft. n. of Delancey st., 25x100; Moses Goodman to David Zabinski ... 43,500
84th st., n. s., 104 ft. w. of av. A, 25.2x102.2; Henrietta Bauer to Jacob Bauer ... 13,000
Willett st., w. s., 100 ft. s. of Delancey st., 25x100; Simon Bittiner and wife to Isidor Byk, et al. ... 36,500
109th st., n. s., 2.5 ft. e. of 11th av., 50x100.11; Michael Moloney and wife to R. A. Smith ... 14,000
Delancey st., n. s., 132.10 ft. e. of Bowery, 20x75.8; B. A. Trowbridge et al., to Ernst Plath ... 18,000
Division st., n. w. cor. of Ridge st., 17.2x72; Louis Schlesinger and wife to Julius Crager ... 10,500
Same property; Nicholas Eisenhauer to Rosalie Crager ... 10,250
Fulton av., e. s., 75.11 ft. s. of 115th st., 25x80; Roby A. Henry and another to Michael Moloney ... 22,000
10th st., 200 East; Oscar Fehleisen to Elma A. Stahl ... 22,000
80th st., n. s., 358.4 ft. w. of 3d av., 16.8x100; Elizabeth Winters and another to Amelia Wolff ... 12,750

RECORDED MORTGAGES.

Beach, John, et al. to Noah Tompkins, s. s. Franklin st., w. of West Broadway ... $10,000
Bauer, Jacob, to Henrietta Bauer, n. s. 84th st., w. of av. A; 3 years ... 10,500
Erster Nagerische Psel Zedeck Kranken Unterstitzung Verein to Christian Hubener, 54 and 56 Pitt st.; 5 years; two mortgages ... 21,400
Freudenthal Christina M., and another, to Leopold Zimmerman and another, s. s. 58th st., e. of Lexington av.; 4 months ... 10,000
Herzig, Carrie and Philip, to William B. Beekman et al., executors, &c., s. s. 120th st., w. of Lenox av.; 3 years ... 10,000
Jay, Eleanor K., and husband, to Flamen B. Candler and another, trustee, &c., 252 Canal st.; 3 years ... 20,000
Kellard, Mary M., to the Title Guarantee and Trust Company, s. s. 63d st., w. of 9th av.; 2 years ... 18,000
McDonnell, James, and wife, to the New York Life Insurance Company, w. s. Park av., n. of 79th st.; 1 year ... 22,000
McIntyre, Ewan, and wife, to Catharine A. Taylor et al., trustee, &c., e. s. Broadway, n. of 18th st.; 3 years ... 250,000
Meinhard, Henry, et al., to the Seamen's Bank for Savings, New York, 279 Church st.; 3 years ... 30,000
Meyer, Siegmund T., to American Surety Company, n. s. 86th st., e. of 9th av. ... 13,500
Plath, Ernst, to Benjamin A. Trowbridge and another, executors, &c., n. s. Delancey st., e. of Bowery; 3 years ... 12,000
Palmer, Laura A., and husband, to William Jay, executor, &c., w. s. Madison av., s. of 66th st.; 3 years ... 20,000
Quinn, Patrick J., to Julius Lipman, n. s. 116th st., e. of Madison av.; 8 months ... 25,000
Reilly, Hugh, and wife, to Charles Lamer, trustee, &c., n. s. 128th st., w. of Park av.; 5 years ... 21,000
Steinmetz, Elizabeth, and wife, to Marion Murray Swinyard, n. s. 25th st., w. of 6th av.; 2 years ... 26,000
Wright, Samuel O., and wife, to Reuben Ross, s. s. 121st st., n. of Lenox av.; 4 months ... 12,000
Zabuiske, David, and wife, to Moses Goodman, w. s. Attorney st., n. of Delancey st.; 3 years ... 16,000

BUSINESS EMBARRASSMENTS.

Deputy Sheriff Carraher yesterday took possession of the diamond cutting place of Ramsgate & Blog, at No. 10 Maiden lane, on executions for $6,198, of which $4,270 was in favor of Henrietta Hemmendinger and $1,928 in favor of Marguerite Blog. Mr. Ramsgate would say nothing about the matter except that it was a dissolution of partnership. The firm is composed of Robert H. Ramsgate and Solomon M. Blog. They began business in July, 1889, as R. H. Ramsgate & Co., which was changed to the present style in September, 1890, at which time a capital of $16,000 was claimed.

The stock of James Chaskel, doing business as James Chaskel & Co., manufacturer of essential oils and flavoring extracts at No. 177 Pearl street, was sold out by Deputy Sheriff Tracy yesterday, under executions aggregating $13,796, and realized about $1,500. His liabilities are about $70,000.

There were 270 failures in the United States during the past week, against 271 in the preceding week, and 259 in 1890, 265 in 1889 and 234 in 1888. In the Middle States there were 53 failures, in New England 40, in the Southern States 55, in the Western States 55, in the Northwestern States 31, on the Pacific slope 34, in the Territories 2. In Canada there were 38 failures.

George J. Vestner has been appointed receiver for ex-Governor Alonzo B. Cornell on the application of the Garfield National Bank, which obtained judgments against Mr. Cornell some time ago for $6,300. The judgments entered against Mr. Cornell in the past year aggregate about $44,000.

HIS HEART PIERCED BY HIS MASTER'S BULLET.

Wealthy Mr. Youngs, of Southold, Held on a Charge of Killing Carlsen, His Hired Man.

CONFLICTING TALES OF THE TRAGEDY.

Youngs Was Always Inclined To Be Wild, so His Mother Bought for Him a Country Place Far from City Temptation.

[BY TELEGRAPH TO THE HERALD.]

SOUTHOLD, L. I., Feb. 6, 1891.—Shocked in a sort of way by the clumsy and antiquated machinery which executes the law in Suffolk county, John D. Youngs, son of a rich old family of New York, was a prisoner in his own house at Bay View last night, charged also in a sort of way with the killing of Carl Carlsen, his hired man.

The charge consisted more in public opinion than anything else. The Coroner's jury, with the traditional intelligence of such tribunals, have only remarked that Youngs was "accessory" to the death, but there being a deputy sheriff in the house Youngs was considered under arrest and to-morrow will be taken to Riverhead, the county seat, and in due form and ceremony locked up to await the disposal of the Grand Jury. That will be in May.

Things move with deliberation in Suffolk county. It took Justice of the Peace Case six hours yesterday to determine, by grave and weighty consideration in retirement, whether he could have Mr. Youngs committed at all or not; which, as you will presently see, was rather remarkable in view of the circumstances.

There is some ground to suspect that things would not move with such deliberation in this particular instance if Mr. Youngs were a person of ordinary consideration, as he is not; but that is a story I will tell in its proper place.

Mr. Youngs lives at the little hamlet called Bay View, three miles south of Southold, and in a sort of country villa. He has there four acres of ground, which he does not till, horses and carriages, dogs, a man servant and a maid servant and a housekeeper, whose name, singularly enough, is the same as his own.

TWO QUARRELS A WEEK.

The housekeeper, who is German, and the maid servant, who is Irish, he has had with him for years, but the man, Carl Carlsen, who was Swedish, had only been with him three months, during which time he had quarrelled twice a week with his master.

On Wednesday morning Mrs. Youngs, the housekeeper, wanted to go to New York by the seven o'clock train, so Mr. Youngs, the master, sent Carlsen to drive her in a buggy to the station at Southold. From the station, after Mrs. Youngs had gone, Carlsen drove a mile and a half out of his way to a saloon kept by one Maxwell, where, although Southold is a strict prohibition town, he got pretty drunk, his horse running away meantime from in front of the door and smashing the buggy to flinders.

Being delayed in these ways it was noon and after when he got home. Now this is Mr. Youngs' story of what happened:—

After Carlsen got home—that is, it is the story he tells now—he says that finding the buggy smashed and Carlsen drunk he called him into what he calls the club room of his residence, a sort of office and lounging room combined, and rated him in good, set terms and, he admits, with a good deal of vehemence.

Carlsen retorted in kind. Youngs threatened to discharge him. The Swede grabbed his employer by the throat and said he would kill him. Youngs shook his hands off.

"I told him," he says in his present version of the affair, "to stop making a fool of himself, to go and get something to eat and to get sober. I always kept a revolver in a drawer of my desk, and Carlsen knew it. While I was talking to him he made a dash for the drawer, grasped the pistol and pointed it at me. I sprang at him and we struggled around the room, he trying to get the pistol pointed at my heart, I trying to keep it pointed away from me.

THE SHOT.

"I got his wrist bent back as far as I could, though I couldn't turn his arm, and while the thing was in that position the pistol went off and he fell to the floor. He shot himself while he was trying to shoot me."

At ten minutes past one Mr. Youngs walked coolly into the house of his nearest neighbor, Farmer James Gaynor, and announced in a conversational way that he had "shot his Dutchman."

"Go away," said Gaynor incredulously, "you're joking."

"No, I'm not," said Youngs. "We had a quarrel and I shot him, but I did it in self-defence," and Gaynor being still doubtful emphasized the story with oaths.

Gaynor went over to Youngs' house, and sure enough, in the club room sunk down between two chairs, with an arm thrown over each, was Carlsen, dead, shot almost through the heart.

Youngs was perfectly collected. "We will go up and notify the Coroner," he said, calmly, so they took a team and drove to Southold and notified Dr. Hartranft, who is also a Coroner, but to Dr. Hartranft Youngs told an entirely different story, and this time he said Carlsen had shot himself.

After Dr. Hartranft had viewed the body they left it, for some barbarous reason, lying where it was, watched all night by Gaynor and Youngs, being as free as the wind, and it was not until late the next day that any action was taken. Then a Coroner's Jury was called and Mr. Youngs told the story I have quoted from him, being contradicted by Mr. Gaynor and flatly belied by Dr. Sawyer, of Cutchogue, who had made the post-mortem examination and declared that it was impossible for any such wound to be inflicted in any such way as described.

At this the jury brought in a verdict in which Youngs was held to be "accessory" to Carlsen's death.

THE ARREST.

The Coroner issued a warrant for his arrest, and an officer has been tagging around at his heels more or less ever since, though he has never been locked up at any time.

Mr. Youngs took his arrest with the utmost indifference and travelled about Southold as freely as ever and talked without hesitation about the case.

"The Dutchman is dead," he is said to have told a crowd in the town drug store, "and I am glad of it. He ought to have been shot long ago."

"It's nonsense to say I shot him," he announced at the station. "If I had been shooting him I would have put all seven balls into him instead of one."

He was not so cool yesterday when it became evident that about all the townspeople, who do not like him anyway, believed that he had shot the Swede.

When Gaynor came upon the body of Carlsen the pistol was lying on the floor some distance away.

Youngs was asked how that happened, and said that when Ellen White, the servant maid, heard the shot she ran down stairs and, seeing the pistol in Carlsen's hand, snatched it away and threw it on the floor.

The testimony of this young woman will be of importance in other ways. It is said that she heard Youngs and Carlsen quarrelling some time before there was any shooting, and coming into the room told them to stop it, when Carlsen picked up a chair and Youngs ordered her out.

Mr. Youngs is fifty years old, educated, of good family and the heir to a fortune. For seven years he has been living here. His father, who was at the head of an old house that dealt in ships' stores, well known in that trade, died fifteen or twenty years ago and left $2,000,000 or so. There were two sons and this particular one led a pretty wild life in his youth.

INCLINED TO WILDNESS.

His mother, who is living and has lived for many years at the Murray Hill Hotel, in New York, finding she had no influence over him, and he wouldn't take to business and would go to the bad if he could, bought him the place at Bay View to get him out of the way of boon companions, and soon she built him a handsome and comfortable cottage, put in a stable of fine horses and sent down a dozen of his dogs, and he has lived there since a sort of country gentleman.

A fixed allowance from the estate is paid to him every month by the bank at Greenport, and he has spent his time in riding, hunting and conviviality. He is still a fine, though rather dissipated looking man. That he is not popular is because he is so arrogant and overbearing, people say.

Mr. Youngs has a wife, a lady of an excellent family, living in Rye, N. Y., but he has not seen her for fourteen years. His daughter was married at Rye a few months ago to a prominent young man of Chicago, and the account of the wedding, which appeared in the HERALD, gave the people of Southold the first intimation that their eccentric neighbor was a man of family.

Mr. Youngs did not attend the wedding, but sent his daughter a costly wedding present. He has not been away from his cottage except to ride over the country since he came here and has had no visitors. His brother, who is a reputable business man of Brooklyn, has been notified of the present trouble and is coming down to-morrow to see what can be done about getting bail. Counsel has already been secured in the person of T. M. Griffin, of Riverhead.

WANTED—A PRESIDENT.

THE MEMBERS OF THE MARINE SOCIETY MUST HOLD ANOTHER ELECTION.

The contest over the recent annual election of the Marine Society in regard to the definite choice of president still continues to create comment among the members of that association.

The fact that Captain Ambrose Snow received 41 votes of the 82 cast, while Captain James Parker, the president, got 40, one vote being blank, was the original cause of the trouble. It having been decided that the blank vote must be counted, it was declared that Captain Snow had not received a majority of the votes of the members present and that there was no election.

CAPTAIN PARKER'S CLAIM.

Captain Parker's friends then claimed that, as the constitution specifically said that the election of officers must be held at the annual meeting at a date and place specially specified, Captain Parker would continue as president of the society for another year.

The friends of Captain Snow, however, took a different view of the situation and called attention to a bylaw in the constitution which says that if there is no election at the annual meeting the election of officers must be held at the next quarterly meeting. The next quarterly meeting of the Marine Society will be held some time next April.

When their attention was called to the existence of this bylaw the friends of Captain Parker declared that such a bylaw would not interfere with a mandatory provision of the constitution.

Against this claim the Snow faction argued that the provision in the constitution was not mandatory but directory in its nature, and that therefore the bylaw would have to stand.

All this involved a very nice point of law and was finally referred to Mr. James Allen Butler, counsel for the Marine Society. When this action was decided upon all the members of the association agreed, it is said, to abide by the decision of Mr. Butler. That gentleman carefully looked into the facts in the case and examined the constitution with great care.

NOT A LEGAL ELECTION.

Then he decided that there had been no election at the annual meeting and that the election of president must take place at the next quarterly meeting in April.

I saw Mr. Butler yesterday and he told me that, as far as he knew, his decision in the matter was final.

Some members of the association claim, however, that if Captain Parker fails to be re-elected at the April meeting his friends will appeal from Lawyer Butler's decision and take the matter into the courts for a final settlement as to Captain Parker's right to remain president of the organization another year.

Neither of the gentlemen most interested care to talk about the matter beyond saying that they are ready to abide by any decision which the society may make.

To-day's double number of the EVENING TELEGRAM will contain an interesting letter from Representative John Quinn about Congressmen's correspondents.

RICHARDTS DENIES YOUNG'S STORY.

END OF THE TESTIMONY IN THE PATERSON CONSPIRACY CASE.

The Young-Richardts conspiracy trial was continued at Paterson, N. J., yesterday before Judges Hopper and Inglis, and the cross-examination of Melano Richardts, one of the conspirators, was resumed. Richardts did not seem at all troubled about his disagreeable situation, and answered all the questions put by counsel in a most unconcerned manner.

He testified that Young had paid him $15 each week as a salary for looking after Mrs. Young, besides all expenses incurred in carrying out the programme arranged by the perfumer. On one occasion his bill in one week footed up to $35.

The day he brought Mrs. Young to Paterson, Richardts said, he went straight to the Hamilton House.

He categorically denied all the evidence given by Young in relation to the Hamilton House doings, and declared that he had no idea of doing anything wrong. He took Mrs. Young to the Hamilton House in the hope of affecting a reconciliation with her husband.

Richardts said he was mortified at the events that took place, especially Young's breaking in the side door instead of coming in at the front door, as witness expected he would. Richardts declared that he did not know what to make of the whole proceedings until he read of the plot in the newspapers. He said that he had not excused himself to Mrs. Young after the escapade, but that he sent his father to Mrs. Young for that purpose some time afterward.

Mr. Ward rested his case, and Mr. Stevenson called Young to the stand, who thereupon denied all the material points testified to by Richardts.

Young declared on Monday, October 21, he received a statement from Richardts in his office, which statement was reduced to writing and signed by Richardts. This statement was offered in evidence, though all knowledge of it was denied by Richardts.

It purports to give a succinct narrative of what had taken place at the Hamilton House and is a flat contradiction of the evidence given by Richardts and a corroboration of Mr. Young's in all its painful and disgusting details.

Dr. Richardts, father of Melano, said that his son was at his home in Jersey City for the three days immediately following the Hamilton House exposure.

John Clark, proprietor of the Hamilton House, called in rebuttal, said that when he visited the bedroom on the night of October 20 he found the bed in perfect order.

This concluded the testimony and the counsel will sum up this morning.

"FLOSS'" ADMIRER CONVICTED.

AGENT PATTERSON GUILTY OF SWINDLING HANDSOME MRS. RAYMOND.

J. Porter Patterson, the real estate agent of No. 18 Broadway, was convicted of the larceny of $83 33 from Mrs. Florence Raymond, of the Hotel Royal, in the Court of General Sessions yesterday.

Judge Martine remanded him for sentence until Wednesday.

Mrs. Raymond is a handsome woman and attracted much attention while in the witness chair. She said Patterson represented himself as an agent of the Astor estate and rented her the house No. 338 West Forty-fifth street in October last. She signed what she believed and Patterson represented was a lease of the house and paid him the $83 33 for the first month's rent.

Lawyer Andrews cross-examined Mrs. Raymond at great length and elicited a few facts that caused her cheeks to redden and her sky blue eyes to be veiled by their long lashes.

She acknowledged that she met Patterson first at West street as she was crossing to take the Chambers street ferry. She had her little boy with her, and Patterson lifted her child across the street. They got into conversation and exchanged cards before they parted.

Mrs. Raymond said her husband was living, but that she did not see him often. She refused to disclose his business. She said she had a private income and so it did not matter if he did not contribute to her support.

Patterson took the stand and said that Mrs. Raymond called at his office the day after they became acquainted at the ferry. They became very intimate, he claimed. She called him "Joe" and requested that he should call her "Floss," the name her husband called her.

He said she first suggested the renting of No. 338 West Forty-fifth street, as she wanted a place where some of her lady friends from Baltimore and Washington could visit her. He got permits from Agents Ashforth & Co., of the Astor estate, to visit the house.

He denied that he had given her a bogus lease to sign. After getting the money from her and finding that he could not lease the house he sent it back to her by a clerk in his office named Pickle.

The clerk came back and reported that she had left the Hotel Royal. That night some one stole the money at his hotel.

The jury brought in a verdict of guilty.

LYMPH CAUSES A DEADLOCK.

CORONERS DIFFER AS TO THE RIGHT TO INVESTIGATE DEATHS FOLLOWING ITS USE.

The Board of Coroners, from present indications, appear to be in a state of deadlock. As already published in the HERALD, Coroner Hanly, on January 5, sought to compel all medical practitioners to report to the Coroners' office all cases of death following inoculation with Koch's lymph.

After being advised by Corporation Counsel Clark that his action was warranted in law, Coroner Hanly sought to have his measure ratified at a meeting of the Board of Coroners, which was to have come off on Monday last.

For one reason or another, however, Coroner Hanly has been unable so far to bring the Board together for a discussion of the matter, and it now appears that while Coroner Schultze will uphold Coroner Hanly the latter's measure will be opposed by Coroners Messemer and Levy upon the ground that, as Coroner Levy stated yesterday, it would not be right to call into question any deaths following the lymph treatment where the deceased had been regularly treated by a physician or had been an inmate of a reputable institution.

"It looks like unwarrantable interference," said Coroner Levy, who also remarked that he "did not intend to act as cat's-paw to haul any of Hanly's chestnuts out of the fire."

The matter is regarded by the opposing Coroners as a "fad" of Coroner Hanly. The former, however, says that he will take the matter into his own hands and run it alone, unless his brother Coroners act with him.