In Order to Authorize the Bond Issues Which It Has Held Up.

VAN WYCK'S STERN WORDS.

sks the Legislative Boards to Immediately Pass Upon Bond Issues Amounting to \$18,410,889.

Mayor Van Wyck has at last grown weary of the Municipal Assembly's wholesale hold up of important bond issues and to-day he issued an appeal to the Council and Board of Aldermen to put an end to its policy of delay by authorizing bond issues for over \$15,000,000. some of which have been held up for months. Many needed public improvements have been kept back by the dilatory methods of the Professor George E. Hale Talks of the Councilmen and Aldermen and great injury has already been inflicted to the public interests by reason of their failure to act upon matters which they must pass upon before they can become legally operative.

The Mayor sees in this condition of affairs an embarrassment to the orderly administration of the city's affairs and he demands a to the observatories in the East. For a few prompt remedy for what may develop into a days Professor Hale is stopping at the home scandal. In his letter he makes no reference to a hold up of different character, but of similar great importance, for which the Municipal the meeting of the astronomical section of swept over her. The crew lashed them-Assembly is equally responsible, that of the non-authorization of many contracts which dents. must be approved before they can become operative legally. The Mayor may find it necessary to direct another communication to the Municipal Assembly, dealing with this sit-

In his letter to-day Mayor Van Wyck says it is the duty of the Municipal Assembly to hold daily sessions until these bond issues are approved. Accompanying it is a complete list of bond issues held up in the two bodies: His letter is as follows:

New York, February 21, 1899. To the Honorable, the Municipal Assembly: I transmit herewith a statement showing the large number of bond issues authorized by the Board of Estimate and Apportionment and forwarded to the Municipal Assembly for its approval or concurrence and now unacted on. The aggregate of such bond issues is \$18,-410,889. This includes an issue of \$7,673,640. authorized recently by the Board of Estimate and Apportionment for school houses and sites, which will be laid before you to-day.

On July 27, 1898, the Board of Estimate and the state of Apportionment authorized an issue of bonds for \$305,000, "for the purpose of meeting contract obligations and liabilities incurred in connection with the construction" of the Har-

lem public driveway.
On October 31, 1898, the same board authorized issue of bonds for \$250,000 to meet contracts for improving the Croton water Both resolutions were laid before the As-sembly shortly after the dates of their adop-

tion, as just given, and both are still unacted One contractor, whose claim is payable from the proceeds of these bonds, has brought suit against the city for \$256.368. Other suits are threatened and will end in judgments against the city, payable from the judgment fund, which is raised by taxa-

Thus the unnecessary delay of action by you in these two instances, unless promptly corrected, will increase next year's tax levy \$500,000, and if other proposed issues

I therefore recommend that the bond issues pending before you receive immediate
considration, and that you continue in session from day to day until these matters. (Signed) ROBERT A. VAN WYCK, Mayor.

Accompanying it was the following statement giving a complete list of matters af-AUTHORIZATION OF BOND ISSUES. BOARD OF ESTIMATE AND APPORTIONMENT.

OF ESTIMATE AND APPORTIONM
For what purpose,
Bill of costs of Thomas Allison, special
counsel in proceedings to acquire the
to lands on south side of One Hundred
and Twenty-sixth street, between Second and Third avenues
Long Island water supply, chapter 481,
laws of 1892
Hartem River driveway, chapter 102,
iaws of 1893, chapter 8, laws of 1894.
Croton water fund, section 178 of the
charter
Acquisition of lands on north side of
Sixth street, between Avenues B and
C. C. Acquisition of lands on Jerome avenue and Watton avenue, north of One Hundred and Eighty-fourth street.

Mouston Street Park, chapter 293, laws of 1895 of 1895 building for Public School No. 168, One Hundred and Fourth and One Hundred and Fourth and One Hundred and Second avenues. P. J. Walsh, contractor public School No. 98, H. Probet, contractor Acquistion of lands on Wadsworth avenue, One Hundred and Eighty-second and One Hundred and Eighty-second streets

and One streets mproving new lots adjoining and premises of Public School No. 3, Jennings & Weistead, contractors
Improving lots adjoining Public School No. 96, Christopher Nally Co., conirractors
Improving lots adjoining, and premises
of, Public School No. 113, John Fury, of, Public School No. 113, John Fury, contractor

Public Park in Twelfth Ward, One Hundred and Eleventh to One Hundred and Fourteenth street, First avenue to East River, chapter 746, laws of 1894.

Public park, bounded by Hester street, Essex street, Division street, etc., chapter 293, laws of 1895.

Heating and ventilating apparatus for Public Schools 164 and 169

Public park in Twelfth Ward, One Hundred and Forty-fifth streets, Edgecomb and Brachurst avenues; chapter 55, laws of 1894 Houston street park, chapter 293, laws Houston street park, chapter 293, laws of 1895.

Stock or plant for Department of Street Cleaning, section 546 of the charter.

Riverside Park and Drive, completion of construction, chapter 666, laws of 1837.

Additional water fund (sanitary protection of the water supply), chapters 187 and 515, laws of 1893.

Wages of inspectors and draughtsmen, beyonghs of Manhattan and The Bronx Desks, seats and chairs for Public schools 165 and 167.

Houston street park, chapter 293, laws of 1895.

Houston street park, chapter 293, laws of 1895.

Corporate Stock. For redemption at maturity of six per cent, permanent water loan bonds of the City of Brooklyn, issued under the provisions of chapter 296, laws of 1859, maturing July 1, 1899.

For redemption of Park avenue improvement bonds, issued under the provisions of section 144 of the New York City consolidation act of 1882, and chapter 329 of the laws of 1882, maturing November 1, 1839.

Desks, etc., for Public School 169.

New Hall of Records, chapter 59, laws of 1897, as amended.

High School bonds, chapter 442, laws of 1897.

High School bonds, chapter 412, laws of Department of Correction building fund chapter 625, laws of 1896; chapter 642. chapter 625, laws of 1896; enaper of laws of 1897.
Riverside Park and drive, completion of construction, chapter 696, laws of 1897.
For payment of bill of John A. Bobb, expert witness, matter of acquiring title to lands on Avenue C. Eighth and

2,000,000 \$18, 110,859

CONTRACTORS MUST BE PAID. Justice Scott has directed Controller Coler to pay John P. Cranford and other contractors interested in the asphalt pavement of Belmont avenue whatever money is due them. The contractors who did the work were refused payment on the ground that the prof the contract were not carried out, the certifications of the engineers to the contrary notwithstanding. Justice Scott holds that the affidavits made do not show that substantial compliance with the contract

### NEARLY ASPHYXIATED. Robert Murray Has a Narrow Escape

From Gas Poisoning. Robert Murray, otherwise known as "Crow" Murray, was found at noon to-day unconscious in his bed in his hotel at the corner of

Surf avenue and Schweicker's walk, Coney Island. The gas jet in the room was found partially turned on. Dr. Hill was called and late this afternoon reported that he believed that Murray's life could be saved. Murray retired tally turned the key of the gas fixture partially on after extinguishing the light. Murray was at one time in business at the corner of Willoughby and Bridge streets.

MRS. BEACH'S ALIMONY.

Mrs. Gertrude L. Beach has been allowed \$15 a week alimony and \$100 counsel fee by Justice Marean, in Supreme Court, special term, in her suit for a separation from John H. Beach, who is an assistant secretary in a loan association, with offices in the Mechancruelly.

## NOTED ASTRONOMER HERE.

Work Done at Yerkes Observatory.

Professor George E. Hale, director of the of Mr. and Mrs. William Conklin, 374 Grand the Brooklyn Institute and address the stu-

To an Eagle reporter this morning Professor Hale talked for a few minutes of some of the more important work that has been done at the observatory during the past year. Professor Hale himself has been engaged in further examination of the spectrum of the sun and in work on the faint red stars. Professor Hale said that he had succeeded in determining the presence of carbon on the edge of the sun. The presence of carbon in the sun has been known for a long time, but until Professor Hale finished his investiga-tions its exact location was not known. Of his work with the faint red stars Professor Hale said that he had been able to make some very accurate determinations as to their chemical constitution.

"It is of course known," said Professor Hale, "that the stars are the result of an evolution, just as are forms of animal life. "Professor Burnham," continued Professor Hale. 'has been engaged in the measure-ment of some of the double stars. He has been enabled to arrive at some very exact figures as to their distances apart and will eventually publish a new star catalogue, embodying the results of his work. Professor Barnard has done some very important mi-crometrical work with the satellite of Neptune. Professor Barnard has also done some very important work in the changes of light in the stars of certain clusters.

"Much work has been done in the examination of the motions and the velocities of the stars. Ultimately I think the motion of the whole solar system may be determined. Professor Hale also spoke of the work of Professor Nicholls of Dartmouth, who spent the whole of last summer at the observatory in investigations upon the heat from the stars Professor Nicholls' results were of great value to the science of astronomy. He found, for instance, that the heat from Arcturus was such that we got from it as much heat as a person would from a candle at five miles. Heretofore the amount of heat from the stars has been supposed to be much greater. levy \$500,000, and if other proposed issues are not speedily disposed of the increase will be fully \$1,000,000.

This is a stronomical outlook, Professor Hale was rather unwilling to speak. That the science will make great strides in the near future he was assured, but a lack of the stronomical outlook, Professor Hale Of the astronomical outlook, Professor Hale This is entirely aside from the further to talk made it difficult for him to speak with pects for the future, however, Professor Hale spoke. fact that dilatory action in this matter is fulness upon any one topic. Of one of the pros-delaying needed public works and embar-pects for the future, however, Professor Hale

rapidly in the future. Recent photographs as the observatory of the spectrum of Saturn, for instance, have shown that there is a dark absorption ring across the ball of Saturn and not across the ring. This indicates that there is a change of the atmosphere between the ring Professor Hale will be in the East until about the middle of March. He will spend part of the time in recreation, and a part of it in visiting other observatories for the pur-

# TO THAW OUT FROZEN PIPES.

poses of observation and inquiry.

570,000

205,000

250,000

25,732

28,618

61.337

47,099

569,399

5/00.000 371

\$6,660

or and the format of the common continuous and a common co

Wisconsin Man Originates Method of

Using Electricity for the Purpose. Madison, Wis., February 21-Professor R. W. Wood, instructor in physics in the University of Wisconsin, has originated the idea of thawing out frozen water pipes with elec-tricity and made two successful experiments. He applied himself and was a master after at-In view of the fact that water pipes in a number of cities of the Northwest are frozen at this time, his discovery, which is simple and inexpensive, is of great importance.

In second schooler, the Witherspoon, was wrecked on a coral reef in the Carribbean Sea. The agents, when they heard the news from him, sent him word to come to New York as another schooler await-In view of the fact that water pipes in a num-

the other wire to a similar pipe in the adjoining or any other house, thus completing the Frank G. Conklin is 21 years of age. He ing or any other house, thus completing the circuit. A current of about 50 volts is then graduated from the Huntington Union School turned on, heating the pipes and melting the class of 1894. His love for the water led him

the Vilas and Alderman C. N. Brown. At the Vilas home, 150 feet of frozen lead pipe was thawed out in eighten minutes. Proving Wood used a "transformer" to reduce the voltage, so that the current milks of the current mi

# HAPPY LORIN ANDREWS.

20,000 Took a Position at \$10,000 a Year,

recent marriage, which occurred there. Mr. Andrews is a member of the Twenty-third 12,000 Ward invisible Club and went to Hawaii in 9,419 December last to look after business interests 10,000 for an uncle. Mr. Andrews had a guarantee of \$10,000 a year to leave his law practice in this city. The news came a few days ago that Mr. Andrews married an American Captain Darling is a member of Port Jefferheiress on the Saturday following the govern-2.715.999 ment ball, which occurred on a Monday even-ing. The report is verified and the members Brooklyn Man's Family Expected Him of the invincible Club have just forwarded to the benedict a handsome wedding present.

WILL OF MARY A. LOTTRIDGE.

The will of Mary A. Lottridge, disposing of an estate valued at \$5,000, was filed for probate this morning in the Surrogate's office. bate this morning in the Surrogate's office. The will was executed on December 3, 1897. and leaves \$500 to the Society for the Aid of Friendless Women, at Concord and Liberty streets. The sum of \$3,600 is bequeathed to the Long Island College Hospital; the remainder is left to the testatrix's relatives.

A GUARDIAN APPOINTED. Justice Marcan to-day in Supreme Court appointed Charles Coleman Miller as guardian of Edwin Williams, 20 years old, defendant in suit brought by Lillian Williams for an annulment of marriage. The plaintiff is also an infant in the eyes of the law, being under an infant in the eyes of the law, being under 21 years old, and she brings the action through Almira Snyder as guardian. The defendant lives at 682 Washington avenue.

Vera Cruz, Mexico, for New York on January 23, with a cargo of cedar and mahogany. Nothing is known at 164 Columbia street, or the neighborhood, of Charles Sodeman,



Held His Wife's Body in His Arms for Two Days.

### early this morning and it is believed acciden. RESCUED WHEN HOPE WAS DEAD PLACED UNDER HEAVY BOND. CLAIMS EVIDENCE WAS ILLEGAL.

mantled Hulk Before Another Schooner Brought Assistance.

(Special to the Eagle.) Huntington, L. I., February 21-The deing of the death of his mother, which ocand the loss of his schooner.

The Bayles sailed from Cazones. Mex., on selves to the rail and suffered terribly. Mrs. Darling, who had been held in her husband's arms for hours, succumbed to the cold and down for Friday. When the magistrate had died. The devoted husband, to prevent the fixed bail at \$2,000 Lawyer Lipmann of Manbody from being washed away, held it in his hattan, who appeared with Mr. Sarii to prosearms from Tuesday until Thursday. The cute, urged that the bail be made larger, as boats and taffrail were carried away on the firm had reason to believ ethat the pecu-Tuesday and shortly after, in order to light- lations extended over a number of years.

For three days the crew without food or water stood lashed to the rail, the cold began to die in the breasts of the suffering crew. But help came. Thursday about noon the schooner Mount Hope, Captain McLean, from New York for Norfolk, came along. The crew were taken off the wreck, cared for lost everything.

away.

The steward, Frederick E. Balcon, of 76 Mill street, Brooklyn, was the greatest sufferer, his feet being badly frozen. Mate thanks Sodeman of 164 Columbia street. Charles Sodeman of 164 Columbia street, Brooklyn, was also badly trozen. Beside Captain Darling, Frank G. Conklin and those mentioned the crew consisted of John C. Wahlgren and Oscar Anderson of 5 Peck slip, New York, and Hans Halverson.

about six years ago. She went on all his voyages but one after being married, that one being in the summer of 1897, when she remained to superintend the erection of a new cottage, which the captain presented to him: her, and which they soon hoped to occupy. \$15 on Saturday."

Relatives and friends anxiously await gold watch and chain.

Return of the Huntington members of the Neuman seemed to feel his position keenthe return of the Huntington members of the serious injuries...

Great sympathy is expressed in Huntington with Captain Darling in his triple loss of wife, mother and vessel. He was regarded as one of the most skillful navigators in command of a sailing vessel. He comes naturally by his love for the sea. His father, Captain Lester Darling, was at the age of 21 made captain of a ship sailing from New York. When about 38 years old he became a cripple from over doses of mercury taken while in South American ports to ward off disease. He retired and was appointed keeper of Lloyds Harbor light

house in Huntington Bay. Captain Elvin Darling started his career as taining manhood. His second schooner, the He takes the electric current used for street lighting purposes, attaches one wire to the is 38 years of age. The owners of the Bayles pipe inside the cellar of one house and feel that he did everything that a navigator

to engage as purser on the steamer Hunting-Professor Wood's plan has been successfully ton, running between this place and New worked at the residence of former Senator W. F. Vilas and Alderman C. N. Brown. At then did service on an Eric Railroad lighter fessor Wood used a "transformer" to reduce the voltage, so that the current will not melt pass the examination for an ocean going pilot. In March he expected to take charge of the steamer Port Chester of the Oyster Bay-New York line.

Some Facts Concerning the Schooner

James E. Bayles. Then Married an Heiress.

Many letters of congratulation are being sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the sent to Lorin Andrews of Honolulu, on his yard of J. M. Bayles & Son, Port Jefferson, the Her dimensions are: Length, 140 feet; breadth, 32 feet and depth 10 feet. Her gross tonnage is 413 tons. The late Captain Nathaniel Dickinson was in command up to six years ago, when Captain Elvin H. Darling bought an interest in the vessel. Her ownson Council, Royal Arcanum.

Home Soon.

At 76 Mill street, the home of Fred Blacom, who was the steward on the ill fated schooner James E. Bayles, whose crew were taken yesterday to Norfolk, Va., on the er on October 14 of last year and that his family had heard from him at frequent inter-vals since. In one of his letters he stated that he expected to be home some time in the lat-ter part of this month. On December 11 last he wrote to his wife and sent her some money for the holidays. He referred to a terrible storm they had encountered at Vera Cruz and added, "it blew so hard that no man or wo-man could work." He had promised his chil-dren—two bright boys named Johnny and Joe—a monkey and a parrot, and in his letter assured them that the pets were acting very politely and lokingly advised the little ones to imitate their example.

The schooner James E. Bayles sailed from

TRAMP KILLED IN WRECK. The two rear cars of an Ontario and Western freight train were derailed at Ridgefield

there when ashore.

# SUFFERING OF BAYLES' CREW THE WAY NEUMAN STOLE, KANE MAY INSPECT MINUTES

Captain of the Wrecked Schooner Falsified the Pay Rolls and His Justice Jenks Permits Indicted Peculations, It Is Said, Amount to \$5,000.

Several Steamers Had Passed the Dis- Three Warrants Taken Out for Him by When the Motion Was Made It Was His Former Employers—His Past Record.

The police of the Clymer street station are now of the belief that the peculations... of tails of the wreck of the schooner James E. Charles Neuman, the cashier and confidential Bayles, Captain Elvin H. Darling, of Hunt-clerk to Greenfield, Son & Co., candy manuics' Bank Building. Mrs. Beach alleges that ington, the death of his wife from exposure facturers, of 107 Gwinnett street, have her husband when intoxicated treats her and the terrible sufferings of the captain amounted to about \$2.000. An hour after and the terrible sufferings of the captain amounted to about \$5,000. An hour after and crew were received here last night Neuman's case had been disposed of in the an officer of the city government, and for wilfrom Norfolk, Va. The captain, not know- Lee avenue police court this morning, and Magistrate Lemon had placed the young man curred while he was on his voyage, on under \$2,000 bonds, August Saril, one of the January 10, addressed to her a telegram, heads of the firm of Greenfield, Son & Co., regiving an occount of the death of his wife turned to the court in order to appeal to the magistrate to increase the bond.

January 23. All went well until Saturday, attracted considerable attention. He is an February 11, when off the Delaware Capes, Austrian by birth, 32 years of age, and unabout one hundred miles at sea, the storm married. He came to this country ten years Yerkes Observatory, California, is at present struck her. It was snowing hard. On Mon- ago. He is six feet tall and has jet black hair in the East on his annual vacation and visit day the schooner sprang a leak. The pumps and fine features. He wore a black frock coat, were worked to the utmost. Tuesday they with other articles of apparel to match. In broke below decks and the schooner filled short, in the matter of appearance he overfast and rapidly settled in the water. At shadowed the counsel, officers, members of avenue. This evening he will be present at night her decks were awash and the seas the firm and others who crowded to the bar when the case was called.

Lawyer Sprague, for the prisoner, tendered a plea of not guilty, and a hearing was set en the standing rigging, the masts were cut | Magistrate Lemon said he thought the amount sufficient. The accused was then taken to the pen and all parties concerned left the court.

Mr. Saril declined to talk about the case waves breaking over them continuously. Three steamships passed and one stopped about five miles away. She probably could see no signs of life and concluding the wreck had been abandoned passed on. The work had been abandoned passed on. The work had been abandoned passed on the cashier's part. It was also learned that in addition to the \$3,000 which Neuron has to his credit in the Williamship. crew had no flag with which to signal. Hope man has to his credit in the Williamsburgh began to die in the breasts of the suffering Savings Bank he has also accounts in the Germania Bank on Broadway and in the First National Bank at Broadway and Kent avenue and that he is worth altogether about \$8,000. His salary was \$28 a week. He was engaged by Greenfield, Son & Co. eight years ago to as tenderly as possible and landed-at Nor- gradually promoted. For the formulation of folk yesterday morning. They intended to the charge, which was drafted by Chief Clerk sail for New York on the Old Dominion Adams this morning, it was only necessary to steamer Jamestown last night. The crew day. It was found that on that day the roll had been faisified to the extent of \$52. There was a list of about 150 men's and women's he would select and, of course, pay each but

what he or she was actually due.

Neuman's detection came about in a very simple manner. On Saturday he left the office some what earlier than usual. Shortly after he left an employe who had received \$7.50 and slip. New York, and Hans Halverson.

Mrs. Darling was not very well known to Huntingtonians. She was a native of Canada. The captain met and maried her in Maine about six years ago. She went on all his suited it yesterday, during the absence of Neuman at lunch, the former discovered that he employe in question had been debited Going to this employe, Mr. Saril said to im: "The books show that you were paid

Captain Darling had stated to his intimates here that this would be his last trip in the Rayles. Whether he intended to retire or to ployes and the discovery of numerous pecula-The employe retorted: "I only received \$7.50 Photography," he said, "is destined to take a newer vessel is not known. Rumors tions. Captain Corwin was communicated take a newer vessel is not known. Rumors have gained credence that the Bayles was unseaworthy. This is denied by her builder. James E. Bayles, of Port Jefferson. He states that she was in good shape and had practically been rebuilt only a few years ago.

Lions. Captain Corwin was communicated with and he sent Detectives Dolan and Hayes to the factory in the afternoon, where they quietly placed Neuman under arrest. When searched at the station house, a sum of \$759.37 mainly in bills of \$20 and \$50 denominations, was found on Neuman. He wore a diamond and a gold ring on two of his ago.

crew and trust that they have escaped any ly; he admitted embezzling to a large extent and said that he was willing to hand over the \$3,000 to his name in the Williamsburgh Sav-\$3,000 to his name in the Williamsburgh Savings Bank if the firm would not disgrace him by arrest. Mr. Saril declined to accede to this. When about to be taken to the cell, the prisoner remarked: "This is my end; I might have known it would come this way." As it was feared that Neuman might do himself horm, his headkerchief and suspenders self harm, his handkerchief and suspenders were taken from him and a policeman kept watch over him all night. A well dressed young woman called at the station house during the evening and asked for the prisoner.

Neuman for the past new years occupied a furnished room at 116 Clymer street. The detectives have learned that Neuman owned a horse and buggy at the livery stables of William Burns & Co., 108 Division avenue. When Mr. Saril was granted an interview with the magistrate late in the aftornoon the with the magistrate late in the aftornoon the sent all evidence that may establish his innogenees that former said that he had discovered other pec-ulations. The judge then granted two additotal bail to \$6,000.

# \$300,000 FOR NATIONAL GUARD.

Balance of War Appropriation Will Be Used to Restore Equipment and to Buy Uniforms.

Brooklyn regiments will get a large share of the \$300,000 to be turned over by the state to the adjutant general to be expended on the National Guard. In the main this money will Its Report for the December Quarter go toward securing new uniforms and equipments for those regiments whose property was appropriated during the war with Spain. As a result of the demand made on the Guard at the outbreak of the war Brooklyn regiments and uniforms. The Thirteenth, the Fortyseventh and the Fourteenth will have to be cord to the design recommended by the board tary regulations.

recently in session to revise the state mili-No decision has been made yet concerning the expenditure of the sum to be given to the adjutant general. General Roe believes that the full amount will be necessary to put the Guard in the condition it was prior to the war. The amount asked for is what was left over from the state appropriation of \$1,500,000 for war purposes. As soon as the bill is passed by the Legislature and the money voted the adjutant general and General Roe will conside what regiments should be fitted out. dition of the Brooklyn regiments assures a

good amount to the Second Brigade. The Twenty-third Regiment has been order ed to assemble for review on the night o February 28 in full dress uniform. The regiment will be reviewed by the Veterans' Asso ciation and at the same time presentation of the regimental long service medals, state dec orations for long and faithful service, 100 pe cent. duty medals for 1898, the Veterans' Association shooting medal for 1898, and the Veterans' Association recruiting medals will

awarded. The Veterans' trophy has been won by Company I, Captain Hamlin, which scored the highest record during the past year for in door and outdoor shooting. General Alfred C. Barnes, president of the Veterans' Association, is in Europe, and Colonel John B. Frothingthe mate, who, it was stated, made his home ham will be in command on the night of the

Park, N. J., to-day, by the breaking of a coupling pin. A tramp who was riding on the trucks of one of the cars was crushed the trucks of one of the cars was crushed to the trucks of the trucks o

Commissioner to Examine ..... Grand, Jury Records.

Bitterly Contested by the District Attorney.

Justice Almet F. Jenks in Part I of the Supreme Court has granted to James Kane, Commissioner of Sewers, permission for inspection of the minutes of the Grand Jury that indicted him for violation of the provision of the law prescribing his powers and duties as fully committing a fraud upon the City of New York while acting as an officer of the city government. Lawyer Robert H. Elder for the defendant demurred to the indictment on various grounds and decision has not yet been handed down. The case was moved by Dis Neuman's appearance in court this morning trict Attorney from the County Court to the Supreme Court before Justice Jenks, and Mr. Elder asked for an inspection of the minutes. He argued that it was a custom for motions of the kind to be granted in the County Court District Attorney Steele opposed, saying that it was not a custom in his time, and also that the case was such that it was not for the interests of the public to reveal what took place in the Grand Jury room. He further urged that the crime was but a misdemeanor. Justice Jenks says that while this fact limits the punishment, it but lightly affects the gravity of the crime, where conviction would warrant imprisonment, and also requires the vacation of the important municipal office now held by the defendant. The opinion follows:

For the most part, criminal proceedings are begun by the issue of a warrant, whereupon may follow an examination before a magistrate. Then the defendant may face the witnesses, may cross examine them, and may give evidence on his own part, all before he can be held for the action of the Grand Jury Where a prosecution is begun in the Grand Jury room, these privileges are withheld from the defendant, and he must proceed or stand trial apprised only by the accusation of the indictment and by the names of the witnesses indorsed upon it. A defendant who seeks an inspection of the Grand Jury minutes on the sole plea that he has been deprived of a pre-liminary examination should have the ear of the court. People vs. Bellows, 1 How. P. N. S., 149-151.

Such motions are frequently granted. The learned counsel for the defendant claims that this practice was common with the lace Judge Moore, is uniform in the court of Aspinall and Hurd JJ., and cites precelents. The learned District Attorney that such practice is uniform, contends that other special reasons must be shown, and urges that the court should take into conideration "The nature of the charge and the circumstances of the case." Conceding, for he sake of discussion, that there is merit in this contention, it is to be noted that the application at bar does show special reasons it is alleged that the Grand Jury received and acted upon evidence that was not lega (Sec. 256, Code of Crim. Proc.), that the evidence before it was not sufficient, if unexplained or uncontradicted to warrant coniction (Sec. 258 Ibid), and that there is material variance between the allegations o the indictment and the proof adduced. Such allegations are made upon information state as obtained, in part, from witnesses examined before the Grand Jury. And such testimony is not a confidential communication. The defendant deposes that he has no other means to establish such alleged defects save through inspection of the minutes, and that he has the legal right to demur or to move or set aside the indictment. These allegations are not referred to in the answering affidavit. similar to those which are indicated as probably sufficient in the two well-considered cases of The People vs. Naughton, 38, How. P., 430, and The People vs. Jachne, 4 N. Y. Crim. P., 161. "The nature of this charge," in this case,

does not indicate a trial based upon a single statute and determined by the establishment of a few essential facts, for the defendant is indicted for a violation of the provisions of night. the law prescribing his powers and duties : an officer of the city government of the City of New York, and for willfully committing a fraud upon the City of New York while acting as an officer of its city government. mere fact of his appearance and statement b fore the Grand Jury does not afford to him or to his counsel any information as to the evidence taken before that body. The learned District Attorney further urges that the crime is but a misdemeanor. While this fact limits the punishment, it but lightly affects the gravity of the crime, where conviction would warrant imprisonment and also require the but she was not allowed to see him.

Neuman for the past five years occupied a Neuman for the past five years occupied a A humane administration of the criminal A humane administration of the criminal forms of the crimin

None of the essential reasons that cence. tional warrants charging Neuman with embezzling \$50 and \$54. On each of these charges urged against this application. For so long as the statute exists, the general freedom of the statute exists, the general freedom of the statute exists, the general freedom of the statute exists. disclosure to prosecutors is preserved, the very nature of the charge would seem to pre-clude the procurement of false or perjured testimony to defeat the ends of justice, and the defendant has been held to answer and is out on bail. No criticism can be made upon the learned District Attorney for the course pursued in this case, but, after careful considera tion, I am of the opinion that many precedents may well be followed here without jeopardy to the interests of the state, and with naught but justice to the defendant.

Motion granted.

KINGS COUNTY ELEVATED. Filed at Albany.

(Special to the Eagle.) Albany, N. Y., February 21-The Kings County Elevated Railway Company has filed are in bad shape, both in respect to equipment its report with the Railroad Commissioners for the quarter ending December 31 last, as follows:

٠,١	Operating expenses 161,075	194,942	
d	Net earnings 20,694	5.215	m m in in Administration To de
i-	Other Income	2,753	To Classified Advertisements in To-day
- 1	Gross income	7.968 57.573	Engle
J	Fixed charges	*49.605	Metrication PA
g	Net income	*49,000	CLASSIFICATION.
ie l	*Deficiency.		CLASSIFICATION. PA
1	The general balance sheet shows as	fallower	Amusements
at		tonows.	Assignee Notices
ıe	ASSETS.	*** *** ***	Auction Sales
- 1	Cost of road and equipment	20,030,561	Auction Sales
r.	panies	546, 250	Board
er l	Unadjusted construction and equipment	510,250	Business Opportunities
or	accounts	144, 483	Construice Steamships
,,	Supplies on hand	16.856	a a a a a a a a a a a a a a a a a a a
у	Due by agents	75	Corporation Notices
1-	Due by others	94	Death Notices
31	Due by companies, etc	72,608	Death Notices
1-	Cash on hand	35,315	Dentistry.
	Unearned insurance	1,939	Election Notices
a	Second mortgage bonds, account Kings County Elevated Railroad Com-	63,290	mant Agencies
	pany's account with receivers	256,286	manuscions.
r-	Unearned second mortgage bond interest.	689,577	Financial14-
of ·	Deficit from operation, etc	423, 787	Furnished Rooms
i-			Furnished Rooms
n-	Total	\$17,281,137	Help Wanted
of 1	LIABILITIES		Help Withted: Horses, Carriages, Etc
-	Capital stock	\$4,750,000	
c-	Receiver's certificates	400,000	1 Notices9-12-
er '	Funded debt	10,965, 262	Lost and Found
s-	Loans and bills payable		Meetings
10	Interest on funded debt due and accrued.		Meetings
11	Interest on receiver's certificates accrued	3,875	Miscellaneous2-5-7
•••	Due for wages		New Publications
_	Due for eurolies and individuals	8,313 57,057	occon Steamships
n-	Due for supplies, etc	91,001	
ıe	benture interest in process of funding	36,645	Post Office Notice
n-	Rentals accrued	18,777	Post Office Items
C.	Mortgages on real estate	63,500	Proposals 9- Railroads Real Estate Loans
n,	Equipment lease warrants	23,000	Railroads
-	Interest on loans	15.273	Real Estate Loans
g-	Taxes on capital, stock and earnings	3,038	Religious Notices
ıe	Receiver's account with Kings County		Situations Wanted
	Elevated Railroad Company	256,289	Special Advertisements
	l .		I whatered is a line of the contract of the co

Justice Maddox has granted an absolute di- EX-GOVERNOR FLETCHER BETTER MR. STEARNS' WILL.

Leaves a Nice Sum to His Former Wife.

The will of Frank A. Stearns, otherwise known as Albert Stearns, was filed to-day in the Surrogate's office. The estate is valued at \$18,000 and the testator bequeaths the sum of \$10,000, as the will states, "to my former wife, Mary, now living at 289 Grand avenue, Brooklyn, the mother of my son, Edgar. T. Stearns." The petition filed with the will states that the testator left no widow, and in the affidaviit, fixing the valuation, it is set forth that Mary Stearns is "no relation," but resides at 179 Jefferson avenue, where resides Edgar T. Stearns, his son. The latter is 20 years old and is made the residuary legatee.

JUDGE THOMAS' ANNIVERSARY. Judge Edward B. Thomas of the United

States courts to-day celebrated his first anniversary as a magistrate. The day was remembered by the attaches of the district and circuit courts, who presented the judge with a large basket of beautiful roses, bearing a card on which was inscribed, "In pleasant remembrance of twelve months ago. February 21, 1899." A large number of friends also called to extend their congratulations. During the year passed Judge Thomas has been an inde-fatigable worker and has succeeded in clearing the calendars in all the courts of the accumulations of several years. He has held a greater number of jury trials than any of his predecessors within a given time and has finished up all the work left uncompleted by the sudden death of Judge Tenney.

### BANKRUPTCY PROCEEDINGS.

George W. McChesney, the lumber dealer of Baldwins, L. I., was this morning discharged from bankruptcy and all obligation for his debts by Judge Thomas. Mr. McChesney filed his petition about two months ago, giving liabilities in \$74,156.51. Joseph J. Sullivan, the well known come-

dian, this morning filed his petition in vol-untary bankruptcy. He gives his residence at Queens. He schedules twenty-one creditors mostly actresses, with debts amounting to \$2,899.90, and assets at \$132.40 in personal property.

### IMPORTANT PAPERS MISSING.

Long Island City, February 21-Edward B. Whitney of Oyster Bay, was placed on trial yesterday before Judge Moore and a jury in the County Court on an indictment charging him with forgery in the third degree. The indictment was drawn under a section of the penal code that makes the destruction of a egal document forgery in the degree named. The direct charge against Whitney is that on or about November 30, 1897, he destroyed the last wil land testament of Darling B. Whitney, his father. There is another indictment charging him with larceny, but that does not figure in the present trial.

### SERVICES OF DEDICATION.

The new edifice of St. John's Evangelical Lutheran Church. Prospect avenue, between Fifth and Sixth, a full description of which has been given in the Eagle, will be dedicated on Sunday next in the morning. The services will be conducted by the pastor, the Rev. Frederick H. Bosch. Special services will also be held on Sunday afternoon and evenand on Monday and Tuesday, February 27 and 28. The services of Sunday evening will be in English.

### CANTATA BY CHILDREN.

A children's cantata will be rendered by eighty-five members of the kindergarten and primary department of the Sunday school of the Hanson Place M. E. Church to-morrow evening, in celebration of Washington's Birthlay. In addition to the cantata an interesting programme of entertainment has been provided. There will be dialogues, songs, ruses and semi-choruses, recitations, tableaux, etc.

BLYTHEBOURNE COUNCIL SHOW. There was a fine musical and dramatic enertainment on Monday night at Kay's Hall, Fifty-sixth street and New Utrecht avenue, for the benefit of Blythebourne Council, Royal Arcanum. The programme was a varied one and included selections by the walk and songs by Masters Theodore, Willie and Grant Starbuck, who took the house by storm; topical song, written and sung by James Riley; mandolin selections by Clarke Starbuck; skirt dance w Miss K. Pomeroy, and a plane solo by Master W. Cranch. The entertainment concluded with the one act farce entitled "Betsy Baker," which caused much laughter. After this dancing was indulged in until mid-

NO QUORUM AT HARRISBURG. Harrisburg, Pa., February 21-The thirtieth ballot for United States Senator to-day re-

# sulted: Quay (Rep.), 9; Jenks (Dem.), 2; Dalzell (Rep.), 1. No quorum.

THE WEATHER. INDICATIONS TILL 8 P. M. TO-MORROW. Washington, D. C., February 21-For Easter New York: Rain to-night and probably Wednes day; light to fresh southerly winds.

LOCAL PROBABILITIES. Cloudy with occasional rains to-night and

Wednesday; continued mild, light and fresh south The following is the record of the thermometer as kept at the Brooklyn Daily Eagle Office: 2 A. Mi to-day 47 10 A. M 4 A. M. 47 12 M 6 A. M. 47 2 P. M 8 A. M. 47 3 P. M. 

HIGH WATER. Following is the official announcement of the time and duration of high water at New York and Sandy Hook for to-morrow, February 22;

Time Height Time Height Rise, Fall. H. M. Feet. H. M. Feet. H. M.H. M. New York . 6:06 | 4.5 | 6:45 | 4.1 | 5:54 6:31 Sandy Hook | 5:23 | 4.5 | 5:56 | 4.1 | 6:08 6:37

MOVEMENTS OF OCEAN VESSELS. ARRIVED TUESDAY, FEBRUARY 21.
Ss Bauer, from Hamburg,
Ss Palatinia, from West Hartlepool.
Ss Advance, from Colon.
Ss Philadelphia, from Ponce.
Ss Persian Monarch, from Hiogo.
Ship Kelat, from Hong Kong.
Ss Peconic, from Venice. ARRIVED AT FOREIGN PORTS. La Champagne, from New York, Rotterdam. Cevic, from New York, Liverpool. Edam, from New York, Rotterdam.

SAILED FROM FOREIGN PORTS: Ss Werkendam, for New York, Rotterdam, Ss Assyrian, for New York, Glasgow. INDEX

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# SYNAGOGUE TRUSTEES SEVERELY CRITICISED.

Justice Neu Says That a Secret Agreement Was "a Fraud on the Sub-Contractors."

A PHANTOM PAYMENT OF \$1,500

Agreed To in Order to Induce a Capitalist to Make a Bigger Loan.

This morning Justice Neu gave a decision in the suit that Peter Lythgoe had brought against the Jewish congregation, B'nai Jacob, which worships in a new synagogue on the south side of Prospect avenue, near Third avenue. Justice New gives judgment in favor of Lythroe and in a somewhat long endorsement on the papers practically charges the trustees of the congregation with peculiar business methods.

The case was interesting. The contregation contracted with Chris West to build the place of worship. It was to be 25 feet by 82 feet. The price agreed upon was \$8,500, but on the hearing it transpired that the trustees were only to pay West \$7,000 in cash and that there was to be a mythical payment of \$1.500 on the signing of the contract.) had been alleged that the trustees were to take the \$1.500 for their trouble, but litere was no evidence to that effect. The chairman of the board, Henry Brilliant, went on the witness stand and swore that the phantom \$1,500 was put into the contract for the purpose of inducing the capitalist who was to take a mortgage on the prospective building to loan more money than he otherwise would have done. According to the contract the building was to have been completed on December 1 last, while, as a matter of fact, it was not out of the contractor's hands until the 17th of that month. There was a penalty clause of \$25 for each day over the stipulated time that the work was not completed. West gave out sub-contracts, as usual, to

other artisans. One of them was Peter Lyth-

goe, who supplied railings and other materials

and his share of the work was done at the very

end of the contract. The agreement between the contractor and the trustees was that \$1,-500 (the phantom sum), was to be credited by means of a receipt from West at the time of the signing of the contract. Then there should be a payment of \$2,000 when the cellar and first tier were completed; \$2,000 more when the building was inclosed and the remainder on completion. As the building progressed there were a number of mechanic's liens and judgments on the building and as a matter of fact it took nearly all the cash that had been raised to settle these claims. When the work was done there was very little money coming to West and he gave Lythgoe a draft on the trustees for \$210, the amount of his claim. When he asked for the money the trustees declined to pay it and said that there was no more coming to the contractor, anyway. He really owed them, they said, \$225 for the days that he had fallen behind in the time given him to finish the work. Thereupon Lythgoe sued the trustees for the sum claimed and the secret contract came out. There was a long hearing and Justice Neu tried the case with great care. Mr. Brilliant, the president of the board of trustees, was called upon for an explanation. His story was as stated that the board had made the contract price

money from the man who was to advance cash for the work.

Justice Neu, in giving judgment for the full amount claimed, beside costs and an allow-ance, had this to say. He was so careful about his comment that he wrote it on the

higher than it really was in order to get more

papers in the case:
"The secret agreement between this defendant and this contractor in indorsing the un-paid sum of \$1,500 on the defendant's copy of the contract was a fraud on the sub-contractors and material men unless the defendant informed them of such agreement before they entered upon their work, or furnished materwas given. The plaintiff relied on the contract being for \$8,500. It was a fraud on him, perpetrated by and with the consent of the defendant and this defendant is liable to lienors or creditors of the contractors who accepted the contract price of \$8,500, to the extent of the \$1,500 which was never paid to the contractor by the defendant, and the reason for which secret arrangement has not been satisfactory explained by the defendant or the con-ractor, West. Judgment is, there-fore, rendered in favor of the plaintiff."

SPECIAL ADVERTISEMENTS.

BROADWAY & 11TH ST.

TOWELS.

1500 Dozen Hemmed Huckaback Towels, large sizes,

\$1.50, \$2.00, \$2.25, \$2.50, \$2.75 and \$3.00 per dozen.

Hemstitched Towels, \$2.25, \$3.00 and \$4.50 per dozen. 200 dozen Hemstitched Huckaback Towels, with Damask borders, size 24x42 inches.

150 Dozen Webb's celebrated grass bleached Hemstitched Huck Towels, plain white and fancy colored

\$3.00 per dozen.

borders, \$3.00 per dozen. JAMES McCREERY & CO. Broadway and 11th St.,

New York.

Saves your Silver.

ELECTRO TO ON POLISH

Saves you labor. LOST AND FOUND. LOST-A GRAY FOX BOA, THURSDAY NIGHT on Washington or Willoughby avs. Reward to on Washington or Willoughby avs. Inder. Address H. R. C., Eagle office.

LOST-SKYE TERRIER, THIS MORNING answering to name of Bruno. Sultable reward for return to HEINBOCKLE, 57 Berkeley place. LOST-A BOY'S SILVER WATCH, COMING from Court and Butler sts, about 9:30 P. M. Monday; open faced watch. The finder will re-ceive a reward at 153 Douglass st, first floor. LOST-MONDAY AFTERNOON, ON CLINTON st, to Atlantic av, Henry st, to Clark, white embroidered CENTER PIECE. If returned to 219 Clinton st, will be rewarded.

LOST-GOLD STICK PIN, WITH PEARLS, ON Monday night on Bond st, between Schermerhorn st and Atlantic av; in Fifth av car or between Fifth av and 34 Berkeley place; reward. Kindly return to owner, LULU BROWN, 27 Schermerhorn st.

PERSONAL.

MRS. WILLIAM DOXEY OF 123 EAST TWEN-ty-eighth st. New York City, formerly of San Francisco, would like to know the whereabouts of a nurse, formerly Mrs. Lund of San Francisco.