Weather Indications: Fair.

Many More Than 1,000 Places. 1,022 EMPLOYERS WANTED HELP In Sunday's World.

The World's Circulation Is Over 500,000 Per Day

The EVENING EDITION World.

"Circulation Books Open to All."

"Circulation Books Open to All."

Weather Indications: Fair.

1,309 More Than the 15 Other N. Y. Papers Combined. 4,309 HELP WANTED ADVERTISEMENTS In The World Last Week.

The World's Circulation Is Over 500,000 Per Day

PRICE ONE CENT. NEW YORK, MONDAY, MAY 6, 1895. PRICE ONE CENT.

NIGHT EDITION

HEARD BEFORE A FULL BENCH.

Income Tax Cases Come Up in the United States Supreme Court.

JUSTICE JACKSON PRESENT.

Is Pale and Coughs, but Shows No Other Sign of His Illness.

EACH SIDE ALLOWED FIVE HOURS

All Points to Be Covered---Mr. Guthrie Argues Against the Tax.

WASHINGTON, May 6.—There was a full bench in the Supreme Court of the United States to-day for the first time since Justice Jackson left for the South last Fall. Justice Jackson appeared with the other members of the court as the clock sounded the hour of noon, and took his seat at the extreme right of the Chief Justice.

Beyond the fact that he looked somewhat pale and coughed occasionally, he did not show any signs of the long illness which has caused his enforced absence from the court for the past six months.

The court-room, both inside and outside the bar, was filled with attorneys and spectators long before the court convened and many applied for admission, who had to be refused for want of accommodations for them. Ex-Speaker Crisp was among those who occupied seats inside the bar.

The occasion for the appearance of the full bench, and of the large audience was the order of the Court for a rehearing in the income tax cases, which was, however, necessarily postponed while the Court announced opinions in several other cases.

These and other preliminaries having been disposed of, Mr. W. D. Guthrie, one of the attorneys for the appellants, Messrs. Hyde and Pollock, was recognized by the Court to begin his argument for a reconsideration of these cases at 12.50 o'clock P. M.

Before Mr. Guthrie began, the Chief-Justice, after calling the cases, stated that in response to the suggestion of the Attorney-General, which the Court interpreted as virtually a motion for a rehearing, the Court had decided to permit counsel to go into all the questions involved.

He said the rehearing had been dependent upon the presence of Justice Jackson, which had now been happily realized. The Court had found it necessary to limit the argument to two counsel on each side, but it was for counsel to say what time they would require.

Thereupon Mr. Choate and Attorney-General Olney, after consulting, announced that five hours on each side would be sufficient, and this time was granted. Judge Wilson was also permitted, on behalf of John G. Moore, to file a brief in the present case.

Mr. Guthrie said that the question involved was a constitutional one, and added: "The Constitution is the political creed and conscience of the nation which must control and rule our destiny; and in so far as this Court shall preserve it intact, according to its letter and its spirit, or permit the darkness of error to affront its light, so will our future be progress or decline, happiness or misery, glory or shame."

If the Court must choose between a statute and the constitution, between a decision and the spirit of the constitution, between an obiter dictum and the plain words of the constitution, it is not then of the essence of judicial duty to decide conformably to the constitution, disregarding statute, decision or dictum.

There can be no law inconsistent with the fundamental laws; and a century of error cannot overrule the Constitution. The question is not to be determined by considerations of present expediency or practicability or hardship, but according to the lights, the purposes, the intention of the framers, and as they intended the Constitution to operate so must we enforce it to-day.

The people are not to be deprived of inherited rights, such as are imbedded in our Constitution, by mere precedent or the technical application of the rule of stare decisis. The most technical work in the law, "Fearne on Contingent Remainders,' is cited to uphold the claim that an error in the interpretation of the Constitution must be perpetuated. We answer, in the language of our great historian: "Woe hangs over the land where the absolute principles of private right are applied to questions of public law, and the effort is made to bar the progress of the undying race by the despotic rules which

(Continued on Seventh Page.)

MR. M'INTYRE OUT.

Scale Clerk Ashby Secretary Temporarily at St. Asaph.

(Special to The Evening World.)

RACE TRACK, ST. ASAPH, May 6.—The weather to-day was warm and moist after frequent showers during the morning. The rain did not hurt the track, however, and it was in excellent shape for fast racing.

The card was attractive and promised sport of an excellent character. Clerk of the Scales Ashby is officiating as Secretary of the track temporarily, until a successor to Mr. Intyre can be chosen.

Mr. Kirk was asked the reason for Mr. McIntyre's resignation, but he said he knew nothing about it.

Starter Fitzgerald will go to New York after Wednesday's racing. It is reported that J. W. Brooks, of St. Louis, will take his place.

FIRST RACE.

Three-year-olds; five and a half furlongs.

Starters.	Betting.	St.	1/2	Str.	Fin.
Pontlear, 108 (Reiff)	1-2 out	1	1h	1h	1
Golden Gate, 110 (Sheedy)	8-1	7-5	3	3h	2½
Tancred, 104 (Keefe)	11-5	2-5	2	2h	3h
Fannie B., 102 (H. Lynch)	25-1	5-1	4	4	4
Franklean, 104 (J. Horton)	15-1	8-1	6	5	5
Edna May, 102 (Welsh)	25-1	6-1	5	6	6

They were forty-five minutes at the post. Edna May, Fannie B. and Tancred were the fractious ones. Pontlear jumped away in front and was joined by Tancred before a furlong had been run. They raced head and head to the far turn, where Tancred hung out signs of distress. Golden Gate, who had been going easily up to this point, then moved up and took second place in the stretch. He caught Pontlear at the furlong pole, but Reiff's superb jockeyship landed Pontlear a head winner in an exciting finish. Tancred was third, four lengths away. Time—1.10.

SECOND RACE.

Half a mile.

Starters.	Betting.	St.	1/2	Str.	Fin.
Lon Jones, 106 (Reiff)	7-5	6-5	2	2½	1h
Laura Davis, 97 (Stuffet)	13-1	6-1	3	3h	2½
Charma, 109 (Welsh)	3-1	6-5	1	1h	3½
Tyvana, 104 (Scott)	7-1	5-2	5	7	4
Gloria, 106 (J. Horton)	50-1	20-1	4	5	5
Belle Wash'n, 10 (F. O'Leary)	7-1	4-2	10	4	6
Tutelage, 94 (H. Brown)	20-1	8-1	7	6	7
Miss Bowser, 106 (A. Mitchell)	40-1	15-1	8	9	8
The Kite, 102 (Richardson)	15-1	6-1	9	10	9
Little Tommy, 003 (H. Lynch)	12-1	8-1	11	11	10
Sea Gull, 94 (Sheedy)	15-1	6-1	12	12	11
Muriel, 100 (Nugent)	100-1	40-1	13	13	12
Bank Cashier, 97 (Keefe)	8-1	3-1	6	8	*

*Fell at head of stretch.

Another long delay ensued in this race and in two breaks Sea Gull twice made the circuit of the track. In another the boy on Muriel thought he was away in front, and was whipping to the head of the stretch, where he saw his blunder. The field got away in fairly good order, Charma and Lon Jones raced head and head into the stretch, where Charma was beaten. Laura Davis then drew up, and, joining Lon Jones at the sixteenth pole, a driving finish ensued. Again Reiff's superior riding landed him winner by a short head. Laura Davis was a length and a half in front of Charma, third. Time—0.50 1-2.

THIRD RACE.

Handicap; mile and a sixteenth.

Starters.	Betting.	Strt.	1/2	Str.	Fin.
Copyright, 116 (Howe)	3-5	1-4	2	1½	1½
Logan, 116 (Snedecker)	8-1	9-5	1	2h	2h
Sir Dixon, jr., 96 (Welsh)	7-2	1-2	4	4	3½
Restraint, 103 (Sheedy)	10-1	3-1	3	3h	4

Logan set the pace for six furlongs, with Copyright, Restraint and Sir Dixon, jr., following, in the order named. Copyright then went to the front and won easily by two lengths from Logan, who was three lengths in front of Sir Dixon, Jr. Time—1.51.

HAWTHORNE RESULTS.

HAWTHORNE RACE TRACK, May 6.—The races on this track here to-day resulted as follows:

First Race—Five furlongs.—Won by Belle Foster, 3 to 1 and 4 to 5; Blue Belle second, 6 to 1 place; Libertine third. Time—1.05.

Second Race—One mile.—Won by Lester, 20 to 1 and 6 to 1; Pepper second, 3 to 5 place; George W. third. Time—1.47 1-2.

RESULTS AT ROBY.

RACE TRACK, ROBY, Ind., May 6.—The races on this track to-day resulted as follows:

First Race—Five furlongs.—Won by Sister Florence, 2 to 1 and 4 to 5; Meteor second, 6 to 1 place; Harold third. Time—1.05 1-2.

Second Race—Six furlongs.—Won by Idyll, 8 to 5 and 1 to 2; Onyx second, 7 to 5 place; Eldorado third. Time—1.19.

HALMA'S KENTUCKY DERBY.

The Favorite Wins the Big Event at Louisville--Laureate Second.

LOUISVILLE, Ky., May 6.—Halma won the Kentucky Derby here to-day. Laureate was second and Basso third.

There were at least 25,000 people on the grounds when the Derby, the third race on the card, was run.

Perfect weather conditions and a fast track marked the Kentucky Derby day at Churchill Downs. The attendance was the largest yet seen at a Derby. A new grand stand at the track gave better accommodation than heretofore.

Despite the small field of starters anticipation of the race lost no excitement. Halma was early the favorite above the field of Basso, Laureate, Curator and Galon d'Or in the future books. The last named was scratched.

The books opened in the early betting with 100 to 60 on Halma against the field. Halma did a recent trial for a mile and a quarter in 2.13 1-2. To-day's Derby is the last that will be at one mile and a half, the distance being considered too great for three-year-olds. It will be shortened to one mile and a quarter in future races.

The other races on this track to-day resulted as follows:

First Race—Six furlongs.—Won by Potentate, 7 to 5 and out; Sister Mary, second, out for place; Insomnia third. Time—1.13 3-4.

Second Race—Four furlongs.—Won by Reprieve, 3 to 1 and even; Realm second, 7 to 1 place; Forget third. Time—0.49 1-2.

WARM WAVE COMING.

It Is Due Here To-Morrow, but Will Not Be Oppressive.

Farmer Dunn this morning discovered a warm wave en route. It is due tomorrow, and while it will be warm, it will not be unpleasantly so. It will not be as uncomfortable as the spell a week ago.

The weather throughout the country is generally cloudy to-day, with fog along the coast. At many places in the interior it is raining.

The fog between Block Island and Sandy Hook was very dense in the early part of the morning, but lifted before noon.

The temperature here at 8 o'clock A. M. was 53, and at 10 o'clock 58 degrees.

Weather Forecast.

Forecast for thirty-six hours ending 8 P. M. Tuesday, for New York City and vicinity: Fair to-day and Tuesday; warmer, southerly winds.

The following record shows the changes in the temperature during the morning hours as indicated by the thermometer at Perry's pharmacy: 3 A. M., 53.6 A. M., 54.9 A. M., 56.12 M., 62

For entries and other sporting news see pages 6 and 7.

BURNETT'S Flavoring Extracts took the highest awards at Chicago. *,*

NEW POLICE BOARD IS IN.

Roosevelt, Grant and Parker Supersede Martin, Murray and Kerwin.

SWORN IN BY THE MAYOR.

Andrews Takes Them to Headquarters and Shows Them the Ropes.

ROOSEVELT ELECTED PRESIDENT

Deposed Commissioners Murray and Kerwin Denounce Mayor Strong.

The Board of Police Commissioners was reorganized to-day.

As the first step Theodore Roosevelt, Col. Fred D. Grant, and A. D. Parker were sworn in by Mayor Strong, at the City Hall as the successors of Messrs. Martin, Murray and Kerwin.

The former's term expired May 1, and the two latter were deposed by the Mayor under the Power of Removal law, passed by the present Legislature.

At 11.30 o'clock a meeting of the new Board was held at Police Headquarters.

Roosevelt Elected President.

Theodore Roosevelt was elected President, in place of Martin.

Avery D. Andrews was made Treasurer, vice Kerwin, who succeeded John McClave.

Commissioners Parker and Grant were made Committee on Pensions; Grant and Andrews Committee on Repairs and Supplies; Grant and Parker on Rules and Discipline; Parker, Grant and Andrews Committee on Elections.

The only business transacted relating to the working force was the formal rescinding of the resolution which last week made Patrolman Alonzo Powell a roundsman.

"Powell," said Commissioner Andrews, "was promoted a roundsman on the strength of having been a veteran. When Major Kipp went to swear him in he discovered that Powell is a young man, and that it was his father who was the soldier.

"I move now that he be reduced to the ranks."

It was so declared unanimously.

Adjournment was then taken until tomorrow at 1 o'clock.

As to Civil-Service Examinatons.

Prior to going to lunch the new Commissioners had a short conference, at which they discussed department matters generally.

One of the subjects to receive attention was that of the Civil-Service examinations of applicants for places on the police force.

It was decided that President Roosevelt and Commissioner Grant should form a committee to look into this matter and to ascertain what could be done in the way of obtaining the best information concerning candidates who had been examined by the Civil-Service Board.

There are nearly four hundred applicants for examination to secure positions in the Police Department.

These men have all passed a satisfactory physical examination and will go through the test of their mental qualifications for positions next Saturday. The room of the local Civil Service Board cannot hold more than seventy persons at a time and as it is necessary for all the men to be examined together the Normal College has been engaged for the occasion.

The Police Commissioners have made an urgent appeal to Secretary Lee Phillips, of the Civil Service Board, for an eligible list.

It was decided that in future the regular Board meetings shall be held at 10 o'clock in the morning, instead of 1 o'clock in the afternoon, as has been the custom for many years.

Mr. Roosevelt's election as President of the Board of Police Commissioners constitutes him an ex-officio member of the Board of Health. In company with Commissioner Parker he called upon President Wilson of the Health Board this afternoon. In Mr. Wilson's absence the new Commissioners were received and congratulated by Gen. Emmons Clerk, Secretary to the Board. Mr. Roosevelt promised to attend the Board of Health's meeting to-morrow.

The new Police Commissioners also called upon the Excise Commissioners.

Patrick J. Ford, John W. Donovan and George W. Wagner, who were clerks to Messrs. Martin, Kerwin and Murray, respectively, resigned this afternoon.

It was shortly after 10 o'clock when the three gentlemen who are to help reorganize police affairs filed through the City Hall corridors and sent in their cards to the Mayor, who had been waiting for a half hour for them to appear.

Police Commissioner Andrews was also on hand to hear whatever the Mayor had to say to the new Commissioners.

For nearly twenty minutes the Mayor talked to the quartet and then told Secretary Hedges to get out the oath of office book.

It took but a few minutes to fill out the appointment papers, and then the three new Commissioners took oath that they would perform the duties of their office faithfully.

Theodore Roosevelt.

Police Commissioner Avery D. Andrews.

A few minutes later each had signed his name in the big book on the Mayor's table and had departed for Police Headquarters with Commissioner Andrews.

All four of them went in to Mr. Andrews's office where they remained in consultation for a short time.

Mr. Andrews occupied some of the time in explaining to his new colleagues in a general way the workings of the offices about Police Headquarters.

Commissioner Andrews said later on: "The Mayor told us what he expected us to do. He said that he wanted a clean non-partisan administration of the Police Department, with fairness to all and favoritism to none. He was most explicit in his directions on several points relating to the conduct of Department affairs."

Commissioner Roosevelt said:

"We have made no definite plans as yet, but will lose no time in gathering up the reins of police administration."

Kerwin Welcomes Roosevelt.

A few minutes before 10 o'clock Gen. Kerwin came in and went into his office. As soon as Commissioner Roosevelt heard of it he sent a messenger from Commissioner Andrews's office to Mr. Kerwin to request an interview.

Gen. Kerwin said:

"Tell the Commissioner to come in. I shall be glad to see him."

Clerk Donovan conducted Commissioner Roosevelt to Gen. Kerwin and introduced him.

"My dear Gen. Kerwin," said the new Commissioner, "I am glad to meet you."

(Continued on Seventh Page.)

Col. Fred D. Grant.

RUSIE TAKES ANOTHER TRY.

The Big Hoosier in the Box for Revenge on Cincinnati.

PARROTT EWING'S TWIRLER.

A Light Attendance at the "Reds'" Admirers' Opening Day at Home.

BUT 2,000 OF THE FAITHFUL OUT

Stafford's Merit Appreciated with a Diamond Gift---Catcher Smith to Be Released.

(Special to The Evening World.)

BASEBALL GROUNDS, CINCINNATI, O., May 6.—The Giants began the first of their series of Western games here to-day. "Buck" Ewing's Red Stocking coterie being their opponents, marting under two straight defeats in Quakerville. Capt. Davis and his men went into the game to even up matters, and the team that beats them from now out will have to play ball from the jump.

Saturday's game was an especially hard one to lose, and all the men feel the defeat keenly. It was probably the first time in his career that Rusie's mighty right gave way under the strain, and the five days' loaf of Amos told. Capt. Davis decided to put Amos in again to-day and give the big Hoosier a chance to retrieve himself.

Only 2,000 at the Opening.

Although the weather was simply perfect for the game and it was the first appearance of an Eastern club on the home grounds, the attendance was not nearly as large as was expected, not more than 2,000 people being present.

President Freedman presented "Jimmy" Stafford with a handsome diamond stud in appreciation of the great work he has been doing since the team left home. On a whole, his work has been as good as, if not superior, to that of any of his comrades.

Alix Smith, the new catcher, who was signed a few weeks ago by Capt. Davis, will be released in a couple of days.

The Batting Order.

The batting order was as follows:

New York.	Cincinnati.
Fuller, ss.	Latham, 3b.
Van Haltren, c.f.	Hoy, l.f.
Davis, 3b.	McPhee, 2b.
Doyle, 1b.	Ewing, 1b.
Tiernan, r.f.	Miller, r.f.
Stafford, 2b.	Vaughn, c.
Burke, l.f.	Smith, ss.
Schriver, c.	Hogriever, c.f.
Rusie, p.	Parrott, p.

Umpire—Mr. Keefe.

First Inning.

The home team took first chance at the new ball. "Arlie" Latham poked a high bounder to Stafford and was retired easily at Doyle's nook. Hoy met exactly the same fate on his grass-cutter to Fuller, but Doyle made a disgraceful fumble of McPhee's grounder, giving "Biddy" a new lease of life. The lease was short-lived, however, Ewing putting up a high one to Fuller. No runs.

Miller gathered in Fuler's sky-scraper, and Hogriever did the same for Van Haltren. Davis made it one, two, three in order by pushing up one to McPhee. No runs.

SCORE BY INNINGS:

Cincinnati	0 0 0	—
New York	0 0 2	—

PIRATES PLAY FIERCELY.

Donovan Began with a Homer--Gumbert's Error Scored Two.

(Special to The Evening World.)

EXPOSITION PARK, PITTSBURG, Pa., May 6.—The Brooklyns began their Western trip here this afternoon by presenting one of the strongest combinations against the Pirates. The latter are fearfully afraid of Kennedy, and Manager Foutz was sorry Bill wasn't fit to accompany the team for this series. Foutz decided that he would put in Gumbert, who was just dying to show the Pittsburg management that they had made a mistake in releasing him.

This rather spoiled the sport of 500 of Gumbert's friends, who recently asked that he be assigned to pitch Wednesday, and they would insure 1,000 increased attendance. Colcolough, the Pittsburg pitcher, was quite successful against Brooklyn last Fall, and Mack thought he could repeat last year's work.

The weather was quite warm, and over 2,500 people were present. Among the spectators was Christ Von der Ahe who is here attending the Baldwin damage suit. Wolf Hopper was also a conspicuous spectator.

The Batting Order.

The teams oated as follows:

Pittsburg.	Brooklyn.
Donovan, rf.	Griffin, cf.
Stenzel, cf.	La Chance, 1b.
Beckley, 1b.	Daly, 2b.
Smith, lf.	Burns, lf.
Hierbauer, 2b.	Anderson, rf.
Clingman, 3b.	Shoch, ss.
Cross, ss.	Mulvey, 3b.
Kinslow, c.	Dailey, c.
Colcolough, p.	Gumbert, p.

Umpires—Messrs. Murray and Long.

First Inning.

Griffin took first on balls. La Chance struck out. Tom Daly flied to Stenzel, and Burns gave Smith a long running catch. No runs.

Donovan began with a drive over Burns's head for four bases. Stenzel was out, Schock to La Chance. Beckley was hit by a pitched ball. Smith first on balls. Bauer flied to Burns. Mulvey made a pretty play on Clingman's grounder and threw to T. Daly in time. One run.

Second Inning.

Anderson flied to Stenzel. Schock singled to left. Mulvey hit through Cross. Daly lined to Bauer, who threw to Cross, doubling up Mulvey. No runs.

Cross base on balls. Kinslow hit a two bagger. Colcolough out, Daly to La Chance, scoring Cross. Donovan struck out. Stenzel base on balls. Beckley tripled to right, scoring Kinslow and Stenzel. Smith out, Shoch to La Chance. Three runs.

Third Inning.

Gumbert hit to left for two bases. Griffin out at first on a clever assist by Clingman. La Chance fouled to Donovan. Tom Daly struck out. No runs.

Bauer flied to La Chance. Clingman fouled to same. Cross out, Mulvey to first. No runs.

SCORE BY INNINGS:

Brooklyn	0 0 0 0 0 0 0	—
Pittsburg	1 3 0 4 2 0	—

No Game at Louisville To-Day.

LOUISVILLE, May 6.—The baseball game scheduled to be played here with Philadelphia to-day has been transferred to Philadelphia, where it will be played Sept. 10.

Wet Grounds at Cleveland.

CLEVELAND, May 6.—The baseball game between Baltimore and Cleveland scheduled for today was postponed because of wet grounds.

THE FRANCHISE VOID.

Justice Smith Decides Against the Nassau Trolley Company.

In the suit brought by John Adamson against the Nassau Electric Railway Company, of Brooklyn, Supreme Court Justice Smith has decided that the Company's franchise to operate a railroad on Union street is void.

About two years ago the Board of Aldermen passed a resolution, which was approved by Mayor Hoody, which gave the Company a franchise to build and operate a railroad on several thoroughfares, of which Union street was the principal one.

The decision declares void the entire franchise of the Nassau Company granted in June, 1893, including twenty-one miles of streets, among which are Union street, Marcy avenue, Liberty avenue, New York avenue, East New York avenue, South Eighth street, Johnson avenue, Hamburg avenue and other thoroughfares.

The Union Street Company offered the city $257,000 for the franchise, but the Board of Aldermen gave it to the Nassau Company.

Judge Smith's decision holds that the Board of Aldermen should not have done this, and declares the franchise void.

Lawyer William J. Gaynor, who has since been elected a Supreme Court Justice, brought the present suit on behalf of Mr. Adamson.

Justice Smith is now in Elmira. He forwarded the opinion by mail.

TWO GIRLS KILLED.

One Run Over by an Ash Cart, the Other by a Brewery Wagon.

Rachel Hirchfield, two years old, of 102 Cannon street, was run over and instantly killed this afternoon by an ash-cart at Stanton and Cannon streets.

William Gallagher, the driver, who lives at 335 East Eighth street, was arrested. The body was taken to the Union Market station-house.

Florence Keppler, seven years old, of 227 East Forty-seventh street, was run over by a horse and wagon owned by the H. Clausen Brewing Company this afternoon near her home and instantly killed. The driver, Alfred Kuhn, of 212 East Twelfth street, was arrested. The body was taken to the East Fifty-first street police station.

Seven-year-old Michael Laurino, of 278 Mott street, was runover this afternoon by a barrel wagon, driven by John Ihu, of 177 Grand street, Jersey City, while playing in front of his home. The fingers of both hands were crushed. He was taken home. Ihu was arrested.

H. LE GRAND CANNON DEAD.

Succumbs to an Abcess on the Brain This Morning.

Harry Le Grand Cannon, died of an abscess on the brain, at his home, 60 Fifth avenue, this morning.

Mr. Cannon was a son of Le Grand B. Cannon. He had for many years been prominent in society and was well known as a leader of cotilions.

After his marriage he resided at 60 Fifth avenue and at Burlington, Vt., where both he and his father had handsome country places.

He was a member of the Knickerbocker, Calumet, Union League, Metropolitan, Lawyers', Tuxedo, Aldine and Republican Clubs, and of the Sons of the Revolution.

Mr. Cannon was for several years a leader in the upper social set, and succeeded Mr. Lispenard Stewart as the leader of the german.

He was about thirty-seven years of age, and one of the handsomest men in the world of society. He was connected by blood and marriage with some of the best known and oldest families in this city.

For several days past Mr. Cannon had been ill with an abscess which formed in his head. He was attended by Drs. Willard Parker, McBurney and Starr, but his condition was not considered even critical, and he was out riding last Wednesday.

His nurse had left him alone for a moment at 7.30 o'clock this morning. When he returned Mr. Cannon was dead. The abscess in his brain had burst.

Mr. Cannon leaves a widow and three children—a girl and a boy. About five years ago he married Miss Thompson, of Detroit, who is considered one of the handsomest women in New York society.

For several years Mr. Cannon had been one of the vestrymen of the Church of the Ascension, and identified with the East Side Mission. He was active in charitable work.

The funeral will take place from the Church of the Ascension on Wednesday morning at 9 o'clock.

Courage, My Countrymen!

Even though we have "no ancestry"—according to Baron de Castellane—we still have our RIKER'S HIS SODA FOUNTAIN, to console us with its long list of new fruit crushes, frappes, fizzes and other ambrosial delights, at RIKER'S, 6th ave., corner 22d st. *,*

The only full accounts of the baseball game are given in "The Evening World's" Baseball Extra, issued immediately after the last play has been made.

NIGHT EDITION

SAW FATHER KILL MOTHER.

Herbert's Eight-Year Old Son Watched Him Cut His Wife's Throat.

MURDERER TURNS SUICIDE.

He Gashed His Own Neck and Then Jumped Into the River.

DRIVEN CRAZY BY JEALOUSY.

He Had Been Acting Strangely for a Week and Often Spoke of Committing Murder.

Brooding over wrong real or imaginary until he became crazy, James Herbert, in the presence of his eight-year-old son, murdered his wife in their apartments, in the five-story flat-house, 554 East Eighty-second street, shortly after 4 o'clock this morning.

At the time of the tragedy, his seventeen-year-old daughter Irene and his brother Alexander stood less than twenty feet away, but in different rooms.

The weapon with which the crime was committed was a razor, which Herbert drew across his wife's throat, severing the windpipe.

MRS. MARY HERBERT (the murdered woman.)

Then he rushed from the scene to the river. One moment he paused on the bank, then turning the blood-stained weapon upon himself he gashed his own throat and plunged headlong into the water.

Two hours later his body was found twenty blocks further up the river by the captain of a tugboat. Before noon both bodies lay in caskets in an undertaker's establishment.

Jealousy the Cause.

Herbert was of a jealous disposition, and on that account quarrels with his wife were frequent. Six years ago he openly charged that he was not the father of a boy just then born. He was jealous of a man employed in the shipping department of Dunham, Buckley & Co. The man referred to protested his innocence, as did Herbert's wife. The boy, however, died, and the trouble was smoothed over.

Herbert was also a drinking man. In fact, until about three months ago he was known as a heavy drinker. He was a leather cutter, employed by Krama & Co., of Reade street.

Just about three months ago he was arrested on a charge of assaulting a stranger on First avenue. He was discharged then and he promised to amend his habits. He was never seen intoxicated after that, but drank an occasional glass of beer.

Romance of Their Early Life.

There was something of a romance over the marriage of Herbert and his wife, which took place in the Catholic Church of the Transfiguration, on Mott street, twenty years ago on the 15th of this month.

She was then Mary Harrigan, had been an orphan from her fourteenth year, and lived with her grandparents on West street. She was twenty-one years old when she met Herbert, and he was eighteen.

At that time she was engaged to another man, but Herbert was a successful wooer, and despite the advice of her grandparents Mary became his wife.

Altogether four children were born, of whom only two are living—Irene and the boy, James, who saw the tragedy committed.

Until one month ago the family lived in Eighty-first street, near Second avenue. Then they moved into the flat house on Eighty-fourth street. The flat consists of five rooms, a parlor in front, kitchen in the rear and three bedrooms between.

Herbert and his wife occupied the bedroom nearest the kitchen. Irene and her brother occupied the room adjoining, and Herbert's brother, Alexander, the room nearest the parlor. All the rooms,

(Continued on Third Page.)