

SKY FLYER GOES TO BRIGHTON

HENRI FARMAN MAKES READY FOR HIS SAILINGS.

Aeroplane Will Go Up From the Field Enclosure at the Track and Will Be Hoisted in Former Betting Ring—The Contingency Arrives From Antwerp To-day.

Henri Farman, the aviator, spent yesterday afternoon at Brighton Beach looking over the enclosure of the track and making arrangements for the reception of his aeroplane and for his flights there. He was accompanied by Thomas R. McMeachan, editor of the American Aeronaut and promoter of the movement that got Farman to America. Mr. Farman left the Hotel Astor at Brighton immediately began making measurements of the field.

The flights at Brighton will be made within the field enclosure, as the track itself is not sufficiently wide. This will compel the giving of a number of straight or zigzag flights the length of the field, as it is feared the field is not large enough to admit of circular flights. However, if conditions of weather be right it may be possible for him to make circular flights even on this limited space.

There are two drainage trenches across the east end of the track, which will have to be covered over with boards flush with the ground to prevent possible injury to the machine in descending.

Sixty foot sections of the infield fence are to be removed in eight places at regular intervals. As Farman always starts his flights in the face of the wind this will make it possible always to start with his flying machine from the outer rail and pass through a gap just before rising into the air. Sixty small balloons are to be anchored about the course to indicate the direction of the wind currents. Two pilot balloons will be sent up before each flight to show the direction of the upper air currents.

The old field betting shed has been selected as the building to house the aeroplane. This will be boarded up on the inside and the structure will be a big canvas dome. Although the admission prices to be charged have not been announced Mr. McMeachan said yesterday that they would be "popular" and that in case of no flight because of bad weather or a mishap the tickets would be good on the following day or would be refunded at the option of the buyer.

The aeroplane is a big, winged machine, resembling a biplane, with a big canvas dome on top and a small cabin for the pilot. It is to be towed to the field by a team of horses and will be launched by a catapult. The machine is to be launched by a catapult. The machine is to be launched by a catapult.

Secretary Augustus Post of the Aero Club of America who went to Washington to arrange for the entry of Farman's flying machine into this country, wired yesterday afternoon that the customs authorities at this port had been instructed to allow it to come in under Section 701. This section provides for the entry free of duty of works of art, philosophical and scientific apparatus brought in by professional artists or scientists for use by them temporarily for exhibition and encouragement of art, science or industry in the United States.

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BIGAMOUS "COUNT" SENTENCED.

Von Helden Sent to Sing Sing for Three Years or More—Two Wives in Court.

WHITE PLAINS, July 27.—While two of his wives looked on "Count" Raoul von Helden, who professed to be the owner of an estate on the Rhine worth 300,000 marks and who was convicted of bigamy in the Westchester County Court, was sentenced to-day by Judge Platt to serve from three years and three months to four years and nine months at hard labor in Sing Sing prison.

When sentence was pronounced his wives seemed to be more affected than Von Helden. They are Mrs. Jennie O'Neill von Helden, wife No. 1, of Jersey City, and Mrs. Gertrude Caroline Lewis von Helden, wife No. 2, of New Rochelle. The latter had with her four babies of the "Count" in her father, Mrs. Emily Brombach von Helden, wife No. 3, was not present, as her parents had sent her to California to break her infatuation for Von Helden.

Lawyer David H. Hunt appeared for the prisoner and asked for a light sentence in view of the fact that his second wife had four little children. Judge Platt appeared for wife No. 1, and said that in view of the way Von Helden had behaved with his second wife he was probably insane and should be sent to an asylum for insane criminals.

Assistant District Attorney Lee P. Davis said that an example should be made of Von Helden. He said that after he had married Jennie O'Neill and then deserted her he married the New Rochelle woman, and then not satisfied with that he turned around and married her next door neighbor, Emily Brombach.

After he had been sentenced Von Helden kissed wife No. 2 in an affectionate manner, but did not pay any attention to wife No. 1. Mrs. Jennie O'Neill von Helden has engaged Judge Platt to bring a divorce action against the "Count," and she will name wife No. 2 and the Mount Vernon wife as co-defendants.

Von Helden was in Sing Sing prison two hours after he was sentenced. Before the doors closed upon him he said: "I don't know why I married the three women. I really cannot explain. They all loved me and I loved them, but I love my wife and her four little babies more than any of the others. When I get out of prison I am going to turn over a new leaf and take care of the little ones."

BOB CHANLER SUED FOR \$350.

Elbridge T. Gerry Claims That Sam for Rent of a Studio in This City.

POUGHKEEPSIE, July 27.—Papers have been served on Sheriff Robert W. Chanler in an action brought by Elbridge T. Gerry to recover \$350 alleged to be due for rent of a studio in New York for three months ending April 30. Last year Mr. Gerry took judgment against Sheriff Chanler for \$1,710 for rent of the same studio. The Sheriff paid this judgment. It was served on him by the local coroner, H. J. Selfridge.

Since taking the office of Sheriff Mr. Chanler has fitted up a studio in this city, where he has a French artist, constantly employed in assisting him in several large canvases which he has under way. His friends say that he is in the New York studio provides for the entry free of duty of works of art, philosophical and scientific apparatus brought in by professional artists or scientists for use by them temporarily for exhibition and encouragement of art, science or industry in the United States.

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YOU CAN'T SUE OWNER OF AUTO

WHEN CHAUFFEUR, OUT ON A JOY RIDE, RUNS YOU DOWN.

It Doesn't Matter Whether or Not the Owner Consented to the Use of the Machine—You Can Sue the Chauffeur—A Change in the Law Suggested.

The Appellate Division of the Supreme Court holds that the owner of an automobile is not necessarily responsible in law for an accident caused by the machine while it is being operated by the chauffeur in the absence of the owner.

Three of the Justices, Ingraham, Clarke and Scott, hold that even if the chauffeur is running the machine for his own pleasure or use with the consent of the owner the latter is not responsible. The other two Justices, Houghton and McLaughlin, are of the opinion that the owner can escape liability only where it is clear that the chauffeur is using the machine without his employer's sanction.

The evidence showed that Burton S. Castle had given permission to his chauffeur, Harry Boes, to take his machine out on September 19, 1904, for his own pleasure. Boes took with him two women and a man, and at 1:30 in the morning, while coming down Central Park West, the machine struck George Cunningham, who was crossing the avenue, and injured him severely. Justice Clarke, writing the majority opinion reversing the judgment for damages obtained by Cunningham against Castle, says that it is clear that blame for the accident attached to Boes and not to Cunningham, who was using all possible care in crossing the street.

But, says Justice Clarke, it was error for the trial judge to charge the jury that full responsibility for the injuries sustained by Cunningham rested on the owner of the machine.

Justice Clarke says that intrinsically an automobile can no more be classed as a "dangerous instrumentality" and therefore improperly entrusted to the chauffeur than a team of horses and carriage or wagon or a sailboat or motor launch can be classed as a dangerous instrumentality, or even a gun, under certain circumstances. If a gamekeeper borrows his master's gun, Justice Clarke asks, would the master be held liable for any negligence on the part of the gamekeeper that resulted in the shooting of a man when the gamekeeper was using the gun for his own purposes and not for the service of his employer?

"I do not think," says Justice Clarke, "that the question of the ignorance or consent of the master has any bearing whatever upon his liability. The fact that the servant has used the automobile without his consent has probative force upon the proposition as to whether or not the servant was negligent, but it does not, within the scope of his employment. The question is whether he was or not."

Justice Clarke goes on to say that if the accident had occurred while the chauffeur was taking the machine, say, from the garage to the machine shop to have it fixed, the master would be liable, whether or not he had knowledge of the driver's business, but that had happened within the scope of the servant's employment. But if the master were to tell his chauffeur that he could use the machine for any occasion, the master would not be legally responsible for any negligence by the chauffeur during the "vacation."

"It may be," concludes Justice Clarke, "that it would be wise and in the public interests that responsibility for an accident caused by an automobile should be placed on the owner thereof, irrespective of the person driving it, but the law does not so provide."

Justice Houghton and McLaughlin are of the opinion that the act of Castle in giving his consent to the private use of the machine by the chauffeur, made the owner responsible for the accident. As they view it, the chauffeur was acting on his master's business and the relationship of master and servant had not been severed.

The dissenting Justices are of one accord with the majority of the Court that if the chauffeur had taken the machine out without the consent of his master and contrary to the latter's orders, there would be no liability on the master. It is expected that an appeal will be taken.

TOSCANINI TO CONDUCT WAGNER.
His First Opera at the Metropolitan to Be "Tristan und Isolde."

The employees of the Metropolitan Opera House are expecting the arrival soon from Milan of the new concertmaster, Arturo Toscanini, who is to conduct the revival of "Tristan und Isolde," which is to be the first of the Wagner operas presented next winter. As announced at the time of Signor Gatti-Casazza's arrival in this country, the opera will not be conducted by Gustav Mahler, but by Arturo Toscanini, who in spite of all that has been said to the contrary is also to conduct the representations of the "Nibelungen Ring," which will be delayed until the departure of Signor Gatti-Casazza.

It is intended to make the performance of "Tristan" an exact reproduction of the way in which the opera is sung at La Scala, where it was mounted by Signor Toscanini.

Decree for Mrs. Jessie F. B. Shaffer.
Justice Clark of the Supreme Court in Brooklyn has granted Jessie F. B. Shaffer an interlocutory decree of absolute divorce from George L. Shaffer, a Fulton market oyster roaster, and awarded the plaintiff \$250 in costs. She also gets \$25 a week alimony.

Fire Captain Dougherty's Death Due Partly to Excitement of Feeding Her.
Edward Dougherty, captain of Engine 45 at Coney Island, died in the Norwegian Hospital last night after a week's illness from kidney trouble. According to the hospital doctors Dougherty's death followed the excitement of seeing his wife who he thought was in the Catskills, where she had gone with their three children several weeks ago for the summer.

Mrs. Dougherty became alarmed, at not hearing from her husband and came to the city. She arrived at the hospital a few minutes before he died. He had expressed himself a short time before as feeling well.

THE "PENNSYLVANIA SPECIAL'S" REMARKABLE RECORD.
From New York to Chicago, and vice versa, in eighteen hours is rapid railroading, but to make such a run exactly on time for 312 days in the year is a record without a parallel in the history of transportation.

From June 12, 1907, to July 11, 1908, inclusive, the "Pennsylvania Special" made the run of nearly one thousand miles from Chicago to New York in eighteen hours to the minute on 312 days or 85.24 per cent. of the time. During the 19 days in June, 1907, and the 11 days in June, 1908, it was on time every day or 100 per cent. During the month of August, 1907, it was on time 93.54 per cent. In November it was on time 90 per cent., and during April it arrived New York on time 28 days out of 30 or 93.33 per cent., and was late on one day only 1 minute.

For the year the record of arrivals in Chicago shows 290 days on exact time or 79.23 per cent. The comparatively few delays that occurred in the 366 days were mainly due to storms, high winds, and other causes beyond human control.

The "Pennsylvania Special" leaves New York every day at 3:55 P. M., and arrives Chicago the next morning at 8:55; returning, it leaves Chicago at 2:45 P. M. daily, and arrives New York 9:45 A. M.

It is pre-eminently the business man's train, because it runs

DETECTIVE ARRESTS LAYMAN.

Ex-District Attorney of Queens Quickly Discharged in Court.

In the corridor of the Long Island City police court yesterday morning ex-District Attorney John B. Merrill of Queens county and Detective Frank M. Taccardo, attached to the Brooklyn headquarters Italian Detective force, indulged in a clash of words which ended in the detective placing Lawyer Merrill under arrest.

The row followed the arraignment of Rafael Silviscano, against whom charges of assault and robbery have been pending since early last spring. Mr. Merrill represented the defendant and in his talk to the court stated that there was something suspicious in the tardiness of the detective bureau in bringing the man to trial. He asked that Silviscano be paroled on his own recognizance. This was strenuously opposed by Detective Taccardo.

"Cheap talk cheap talk!" said Mr. Merrill, waving aside the detective's objections. It was plain that Taccardo was offended, and as the case was disposed of by Mr. Merrill started to leave the court room Taccardo went with him. The arrest immediately followed an alleged threat of having the detective, whom he called a loafer, broke.

With a crowd trailing along Taccardo escorted his prisoner to the Fourth street police station, where his record was taken, and then back to the court room, where he made out a complaint. Mr. Merrill asked for an immediate hearing and the detective told him that he would be heard at 10 o'clock and at its conclusion Magistrate Fitch discharged Mr. Merrill without asking the latter any questions. Mr. Merrill said he was going to prefer charges against the detective.

SHERMAN MEETS BUFFALO BILL.

Candidate for Vice-President Attends the Wild West Show.

UTICA, July 28.—Congressman James S. Sherman, the Republican candidate for the Vice-Presidency, by way of recreation took a trip to the Buffalo Bill Wild West show this afternoon and incidentally met Col. William F. Cody, who assured him that it was absolutely safe to begin calling him the Vice-President now, because there was nothing in it but a walk over. The two men met at the entrance of the show and introduced him to two scores of Indians. The Congressman was delighted to greet the redskins, a number of whom had previously met him at the West when as chairman of the House Committee on Indian Affairs he had occasion to visit the different Indian posts. The Congressman was in the exhibition of the Indian war dance around him, but the Congressman was content to have this feature eliminated, saying that he had preferred witnessing such a stunt from a distance.

OBITUARY.
The Rev. Dr. Edward Thomas Bromfield died on Monday at his home in Flatbush, Brooklyn, at the age of 82. He was the son of the Rev. Edward Bromfield, pastor of the Congregational Church in Flatbush, Brooklyn, England. He received his education at New College, London, and after entering the ministry he was for many years the pastor of the Flatbush Park Congregational Church in the English capital. In 1867 he left England and came to America, where he was for many years the pastor of the Flatbush Park Congregational Church in the English capital. In 1867 he left England and came to America, where he was for many years the pastor of the Flatbush Park Congregational Church in the English capital.

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PRINCE TALKS TO HABITANTS

SPENDS DAY WITH PRIESTS OF LAVAL UNIVERSITY.

Old Time Fete Champetre Organized for the Introduction of Wales to the Primitive Canadian—Fine Mink Coat for the Princess—Night Spectacle.

QUEBEC, July 27.—The Prince of Wales had an opportunity to-day of learning something of the inner life of the French-Canadian habitant. He was the guest at luncheon of Mgr. Mathieu and the priests of Laval University and the Seminary of Quebec at their country vacation retreat at St. Joachim, a lovely rural estate in the heart of the woods at the foot of lofty Cape Tourmente. The property has belonged to the seminary ever since the time of Bishop Laval, who founded it. The estate was his own summer home