

## WANTS HIS MARRIAGE ANNULLED

Westcott F. Zittel Says He Was Drunk When He Was Wedded, but His Wife Denies His Statements.

Westcott F. Zittel declares that he was intoxicated when he married Emma Richter, and he has begun a suit in the Court of Common Pleas for the annulment of his marriage.

Zittel is the son of a wealthy real estate dealer who has offices at 1,026 Third Avenue and 266 Columbus Avenue. Mrs. Zittel is only nineteen years old, and is known variously as Emma Zittel, Emma Richter, and Emma Brochter. Her husband declares that he has never lived with her, a statement that Mrs. Zittel vigorously denies.

Her counsel, Howe & Hummel, yesterday applied to Judge Giegerich, in the Court of Common Pleas, for counsel fees and alimony pending the issue of the plaintiff's suit.

In his complaint Zittel alleges that he was married to the defendant on Jan. 9, 1895. He says that while he was "grossly intoxicated from drinking whisky," he was induced by the defendant and her stepfather to go through the marriage ceremony.

Zittel says that while the ceremony was being performed he was so drunk that he did not know what he was doing. He insists that he "was deceived" and that the marriage with the defendant was "procured by fraud."

The defendant has filed an answer, in which she denies that Zittel was intoxicated at the time the marriage ceremony was performed. She says that she first met the plaintiff when he was agent for three houses in Fifty-ninth Street, between Second and Third Avenues, in one of which her mother lived. She says Zittel called at her mother's house on Jan. 9, 1895, and asked her to marry him that day at 11 o'clock. She consented, and they were married by the Rev. Dr. Holfman of 181 East Seventy-ninth Street.

Immediately after the wedding, the defendant alleges, she went to Morristown, N. J., and remained there some time with the plaintiff. Subsequently, Mrs. Zittel says, her husband abandoned her, and he has failed to support her since. She says that about three weeks ago the plaintiff met her in the street and offered to give her \$300 if she would consent to an annulment of the marriage. This offer she refused.

Decision was reserved.

## BANKS PROPOSE A SETTLEMENT.

Terms of an Agreement Between St. Nicholas and Madison Square.

The complicated claims made against each other by the receivers of the Madison Square and St. Nicholas Banks are finally to be settled on a basis agreed upon by counsel on either side.

Judge Beekman, in the Supreme Court, yesterday appointed W. C. Choate as referee to pass on the proposed settlement and report to the court.

Before the failure of the Madison Square Bank on Aug. 10, 1893, the St. Nicholas Bank was acting as its Clearing House agent, and later it made a claim against the Madison Square for \$501,000.47 for which it held collateral security for the face value of \$355,619.99.

Receiver Grant of the St. Nicholas Bank obtained a judgment against the Madison Square Bank, and the present proceedings are brought for a settlement of this judgment.

In the stipulation between counsel the Court is asked to authorize the receivers of the Madison Square Bank to consent that the receiver of the St. Nicholas Bank retain the collateral now in his hands, and that there shall also be paid to the receiver of the latter bank by the former the sum of \$165,000 in cash, this to constitute a settlement in full as between the banks, and that the receivers issue releases to each other for all claims, and that Receiver Grant discontinue all suits he has begun against the receiver of the St. Nicholas Bank.

The claim of Ronald McDonald and the Fort Wayne Electric Company against the Madison Square Bank, in which the receiver recommends that a settlement be effected by the sale to McDonald of 108 bonds of the Louisiana Electric Light Company, which were held by the Madison Square Bank as collateral for money advanced to him, for \$36,502.92, was also referred by Judge Beekman to Mr. Choate for his report and opinion.

## The Benjamin Stokes Will Contests.

Benjamin Stokes left two wills, both of which were contested.

Surrogate Fitzgerald yesterday handed down a decision denying the petition for the probate of Mr. Stokes's will dated Jan. 12, 1895, four days before he died, and allowing a will executed on March 2, 1890, to go to probate as the last testament of Mr. Stokes. The testator fell dead in St. Lawrence's Church on Jan. 16.

The will of March, 1890, left whatever property Mr. Stokes possessed to Catherine O'Connell, in trust for his two children. The will which he executed a few days before he died left all his property to his half-sister, Mrs. Barry. Mr. Stokes was an illiterate man, and both papers were signed with a mark.

## Mrs. M. F. Fearing Sued for Divorce.

David B. Ogden has been appointed by Judge Beekman, in Supreme Court, Chambers as referee in the action for an absolute divorce brought by Charles B. Fearing against Mary F. Fearing.

Mrs. Fearing resides at the Pierrepont House, Brooklyn. She was married on Aug. 5, 1870, and has one child, A. C. Fearing, who is sixteen years old. Mr. Fearing accuses his wife of undue intimacy with Henry Talmadge Edwards.

Myers & Anable represent the husband, and Pickett & Quintard of Brooklyn appear for the wife. She denies the charges made by the husband.

## NEWS OF THE COURTS IN BRIEF.

—Final decrees were entered yesterday by Judge Lacombe, in the United States Circuit Court, in the famous cases on which the Income Tax act was declared unconstitutional by the Supreme Court of the United States, and making the judgment of that court the judgment of the Circuit Court. The cases are those of Lewis H. Hyde against the Continental Trust Company, and Charles Pollock against the Continental Trust Company.

—Judge Giegerich, in the Court of Common Pleas, yesterday appointed Mrs. Louis Worch of 237 East One Hundred and Sixteenth Street committee of the person and estate of her sister, Mrs. Rosa Heil, an alleged lunatic, now in a sanitarium at Westport, Conn. The estate of Mrs. Heil is valued at \$23,000, and Mrs. Worch was directed to file a bond for \$20,000.

—Judge McCarthy, in the City Court, yesterday granted Jona Leiser Berditchevsky, a druggist at 151 Essex Street, permission to change his name to Louis Berdy. He said he was familiarly known as "Berdy," and that his own name has been a source of confusion in business.

—Mrs. Sarah Sirot applied to Judge Giegerich, in the Court of Common Pleas, yesterday, for an absolute divorce from her husband, Benjamin Sirot, of 180 Madison Street.