

WRIT FAILS, BROOKS STILL HELD FOR RAID.

Justice Scott Dismisses Proceedings Brought by the Police Inspector After Magistrate Brann Had Held Him for Trial for Breaking Into Canfield's Gambling House.

Official Surrendered Himself at a Police Station When the Magistrate Refused to Commit Him, but Even that Failed to Win His Discharge.

Police Inspector Brooks stands in the light of a prisoner under parole. He was held for trial to-day by Magistrate Brann for his invasion of Richard Canfield's gambling house on the night of Dec. 1.

When the inspector appeared before the Magistrate he was told he had been paroled. Attorney Well at once demanded that the inspector be committed, but this was refused and finally the police official went to the East Sixty-seventh street police station and surrendered himself a prisoner. Sergt. McGirr, who was in charge, was served with a writ of habeas corpus to produce the inspector before Justice Scott this afternoon.

They struck a new compromise before Justice Scott, when McGirr produced his prisoner.

Inspector Brooks said:

"Judge Brann wouldn't look me up, the warden of the prison refused to take me for a boarder. But Sergt. McGirr, as a friend, consented to take me in custody—and here I am a prisoner."

Isaac Well, who swore out the writ of habeas corpus, District-Attorney Jerome and Assistant District-Attorney Gray got their heads together like champions instead of opponents, and when an Evening World reporter asked Mr. Jerome whether he appeared for the inspector against Brooks for helping him break into Canfield's, he replied:

"Why, I am here in my capacity of public prosecutor, and I'll ask to have the writ dismissed."

When the case was called John Delehanty presented himself as counsel for Magistrate Brann.

Brann is out of it.

"I don't see that the Magistrate has any standing here," said Justice Scott. "This is now in the hands of the District-Attorney."

Mr. Jerome moved that the writ be dismissed on the ground that Brooks was not in custody and not restrained of his liberty, and this was done.

The complainant against Inspector Brooks, before Magistrate Brann, was David W. Bucklin, manager for Canfield in his place at No. 5 East Forty-fourth street. The testimony in the case was given last week and decision was reserved by Magistrate Brann. Inspector Brooks was meantime actively on duty on his own recognizance.

In effect the decision holds that the inspector had violated Section 120 of the Penal Code, under which the prosecution was made. It quoted the section as follows:

"A peace officer who exceeds his authority or exercises it with unnecessary severity is guilty of a misdemeanor."

The Court Opinion.

"The testimony for the complainant," goes on the decision, "shows that no effort whatsoever was made to enter the house in the manner prescribed by that section. Defendant's witnesses testified that he went to the door and knocked on it and tried to push it open; went into the arway, pushed what

appeared to be an electric button, rattled on a gate loud enough to be heard twenty feet away; directed his officers to put a ladder against the side of the house and tried to raise the window.

"A raid is an act of hostility. The law presumes that every citizen will obey the mandates of the courts. The officer was bound to assume that he would gain a peaceable entrance into the premises."

"It follows that the defendant must be held for trial in the Court of Special Sessions."

When Inspector Brooks appeared in court he was accompanied by Attorney Well. Magistrate Brann at once told him that he was paroled. Well insisted that the inspector be put in the custody of an officer in order that the writ might be served. The Magistrate refused to do it, so the habeas corpus writ was served on the inspector himself, commanding him to take his own body before Justice Scott at 2.30. The other writ was served on the clerk of the court, as Brann also refused to accept it.

Later this mode of procedure was deemed inadvisable, so the inspector went to the East Sixty-seventh street station and surrendered himself to Sergt. McGirr, who was in charge of the desk. Attorney Well then served the writ on McGirr. The inspector remained in the station-house technically a prisoner, until it was time for his morning toilet, at which time he was ordered to stand with him for the Supreme Court.

Deputy Commissioner Piper when told of the Magistrate's action said: "I am not amazed a bit. The rambler are ready to spend a million dollars, if necessary, to win their cases. They think they will beat us. They have their mark, and if they can 'do' him they will."

Jerome Much Perturbed.

District-Attorney Jerome was much perturbed when an Evening World reporter this morning informed him that Magistrate Brann had held Inspector Brooks.

Mr. Jerome rose from his chair, threw away his cigarette, cast a bundle of papers down on his desk and seemed about to burst into a tirade. But he controlled his feelings and said:

"Well, what's the use of discussing Brann? I don't want to say anything about it. He goes out of office to-day, and all I've got to say is that when the case comes up for trial I will proceed against him as I would against any other individual held under similar circumstances."

Mr. Jerome was asked if he had anything to say regarding the statements made by Justice Gaynor in the morning papers.

"In regard to Gaynor's accusation that the police broke into Canfield's place without a warrant, that's untrue," said Mr. Jerome.

"In the first place, Brooks and the police went to the door and knocked on it. Brooks and the police both swear to that. So far as warrants are concerned, the police had a felony warrant and also a search warrant, which permitted them to break into any place where they believed the law was being violated."

HORSESHOERS GO OUT ON STRIKE

Five hundred horseshoers in the boroughs of Manhattan, Bronx and Richmond have struck for higher wages and recognition of their union label. Thus far the majority of corporations and individuals called upon to employ horseshoers have acceded to the union's demand, but the Metropolitan Street Railway Company and the Adams Express Company have held out against them.

The union, which is known as the Journeymen Horseshoers of New York, Staten Island, Brooklyn, Jersey City and Newark are also fighting former President of the Board of Aldermen Thomas F. Woods and Daniel J. Roach, once Mayor's marshal, who refuse to recognize their label or increase wages.

Died Without Telling Name.

A man believed to be James Warren died in the New York Hospital. He was taken to the hospital Saturday night from Eighth avenue and Seventeenth street, where he was found unconscious. The name "James Warren" was found on a slip of paper in his pocket.

First-Class Travel Requires

See service of a maid for the benefit of lady passengers. Each service is only 50 cents. See 100 pages. Club ticket, only 20 cents. See 100 pages. Club ticket, only 20 cents. See 100 pages. Club ticket, only 20 cents.

SOCIETY MEN FINED FOR SPEEDING AUTOS

"The way of the automobilist is hard and it's getting harder every day. Two more of these gentlemen, who go rushing around the country in red devils or white devils or green devils, as the case may be, were fined \$50 each in the Court of Special Sessions to-day.

The victims were Ernesto Fabri, of No. 11 East Sixty-sixth street, a son-in-law of the late Elliot F. Shepard, and Courland F. Bishop, a lawyer, of No. 11 Madison avenue. Fabri was arrested Dec. 19 while going twenty-five miles an hour on Jerome avenue. Bishop was caught in the same avenue going at the same rate Dec. 21. Policemen in plain clothes with stop-watches got the evidence.

Both men insisted that the policemen didn't know how to work stop watches, and that they were not violating the law. But the court wouldn't believe them. They paid their fines and rode away in their beautiful machines.

After this good work the court adjourned until Monday with a New Year's pat on the back for the court clerk, especially Roundman Archie Tarrant—for the good work they had been doing all the year.

To Cure a Cold in One Day

The Laxative Bromo Quinine Tablets. All druggists return the money if it fails to cure. E. W. Grove's signature is on each box. See 100 pages. Club ticket, only 20 cents. See 100 pages. Club ticket, only 20 cents.

PARTRIDGE BLAMES THE REFORMERS.

Police Commissioner Fires a Parting Shot at Those He Blames for Having Driven Him to Resign.

MAKES A CAUSTIC COMMENT. He Appoints a New Complaint Clerk, Thus Signaling His Last Day as Head of Police by Rapping the "System."

Police Commissioner Partridge's last day at the head of the police force of New York was one of surprises. He began by firing a bomb into the camp of the reformers.

"Do you regret leaving the Department, Colonel?" he was asked.

"Regret it? No," answer the Colonel, emphatically. "I regard it as a relief and I accept it as a relief. I leave Police Headquarters feeling that I have done my whole duty—but under great and adverse circumstances."

The Colonel paused then. After short reflection, he said: "My only regret in the whole situation now is the thought that certain friends of the administration were particular to single me out for their fault-finding. These very friends represented in the various organizations which voted the present administration into power, were the ones to begin the attack. I cannot understand it."

"Then you are satisfied with the record you have made in the department?" the Colonel was asked.

"The facts and figures will speak for themselves, was the answer. "They will furnish ample vindication in time." Shrewd Appointment This.

The Colonel added an unexpected surprise later in the day by appointing John J. Corkill as Complaint Clerk of the Department.

The appointment created a great sensation at Headquarters. On the office of the complaint clerk was based the foundation of the Devery "system." In inside circles it was freely admitted that with a proper administration of the complaint clerk's office the defects in the police force could be more readily remedied.

Robert F. Peterson has been acting as complaint clerk for twenty-six years and his position has been a sinecure, overlooked by reformers and shielded by submissive chiefs. Peterson himself has never been complaint clerk, always holding the title of deputy, but he has always been the head of the department, as no one ever held office over him.

Discovered the Vacancy.

Commissioner Partridge saw the vacancy in hunting over the books and promptly placed Corkill in it, over Peterson. It is to this office that all complaints concerning policemen are made. It is within the power of the complaint clerk to conceal and cover charges made against policemen, and for many years the position has been regarded as one of the richest in the department. But because the office was always held in the background it has been overlooked continually by reformers.

Commissioner Partridge saw the possibilities of this place some time ago. He consulted with Gen. Greene, his successor, concerning it. Gen. Greene expressed a desire to bring his own secretary with him, and Col. Partridge wished to provide for Corkill. He believed Corkill was the man for the office of complaint clerk and with the consent of Gen. Greene he to-day appointed him, as one of the last acts of his administration of the Department, which ceases to-day.

Two Useless Captains.

The Commissioner was early at his office on his last day. He had a lot of new policemen to appoint and a number of other matters requiring attention. There are vacancies for two captains, but Commissioner Partridge said he would not fill them, as he considered them useless. These vacancies are the stations at the City Hall and the Grand Central depot. They have not had captains in charge of them and Col. Partridge says it will be a waste of money to appoint captains for such small duties.

Thought It Was Husband.

"A little after 9 the bell rang, and thinking, of course, it was my husband, I pressed the button and unlocked the door."

Mrs. Bitman lives in an apartment house on the seventh floor.

"In a few minutes there was a familiar rap on the door and as Mr. Bitman had not taken his keys I hurried to let him in."

"I had been cutting some bread and still had the knife in my hand. When I opened the door there stood the man who had followed me."

"I did not answer him, but hurried into the house, but not until he had followed me to the very door."

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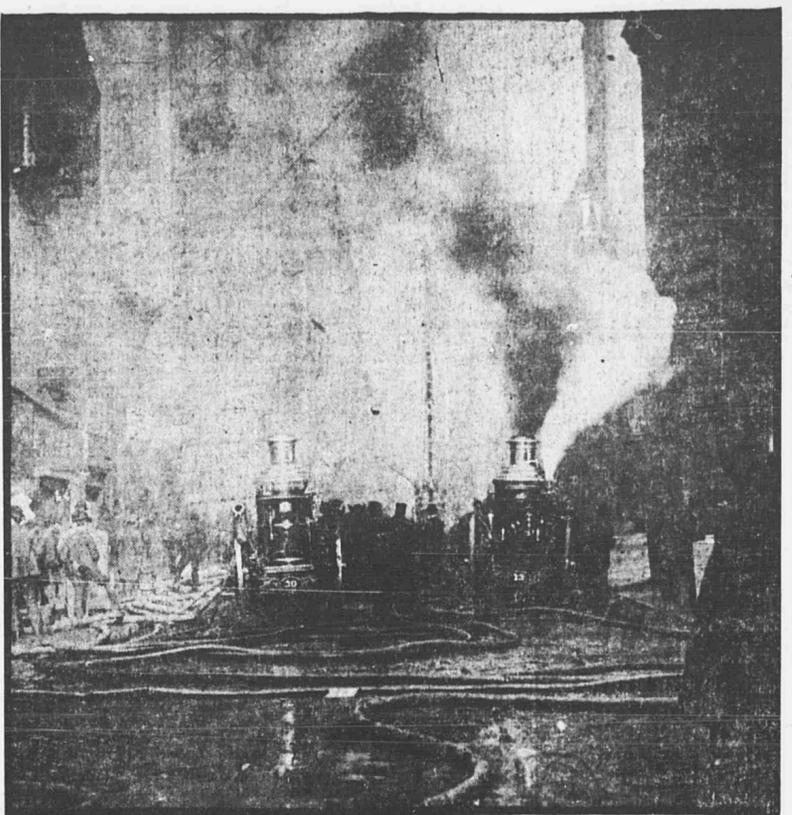
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WEATHER FORECAST.

Forecast for the thirty-six hours ending at 8 P. M. Thursday for New York City and vicinity: Fair and continued cold to-night; Thursday partly cloudy and moderating; light to fresh southwest winds.

WATER TOWER AND ENGINES AT WORK AT THE BIG EIGHT-ALARM FIRE ON WOOSTER STREET.



WOMAN CUT OFF EAR OF MASHER

Mrs. Bitman, Confronted by Man Who Tried to Get Into Her Apartment, Used a Knife on Him.

ILL FROM HER EXPERIENCE.

If there is a disconsolate masher anywhere in Greater New York who is minus a small portion of his left ear, he may recover the same by calling on Mrs. Adelaide Bitman, No. 64 West Ninety-eighth street, and claiming his property.

Mrs. Bitman is very anxious to meet the owner of the mutilated ear, as is her husband, L. D. Bitman, a young business man of this city.

The aural trophy came into Mrs. Bitman's possession last evening in a manner which caused her a severe nervous shock.

To an Evening World reporter this morning she told the story.

The Story of an Ear.

"Last evening, when I was coming home from downtown on a Columbus avenue car, I noticed a man who seemed most persistent in brushing up against me to attract my attention. The car was, of course, packed so close that it was impossible to move, and for this reason I could not raise any objection, having men crushed up against us in the crowded cars that it is only an exaggerated case that causes us to rebel."

"When I got off of the car at Ninety-eighth street and Columbus avenue the man followed me, and coming up close to me asked if he could not see me home."

"I did not answer him, but hurried into the house, but not until he had followed me to the very door."

"At this I was thoroughly frightened and tried to close the door in his face. He grabbed at me and tried to put his hand over my mouth. I had the knife in my hand and made a desperate lunge, cutting his ear. The man gave a groan and started to run down stairs. That's all I remember till my husband came back, for I fainted dead away."

"My husband is furious over the matter," said Mrs. Bitman, "and is trying to discover who my pursuer was. It seems a pretty state of affairs when women are followed from the cars into their very houses."

THOSE CAR JAMS TO END AT ONCE.

Commissioner Cole Says the Street Railroad Companies Must Afford Relief Immediately Even if It Should Cost Them Millions.

After spending three hours and a half in conference with President H. H. Vreeland, Assistant General Manager Orin Root, Jr., and Attorney H. W. Robinson, of the Metropolitan Street Railway Company, Ashley W. Cole, chairman of the State Board of Railroad Commissioners, made this statement as to the result of the conference and the Commissioner's plans for relief:

"The Commission has authorized me to say that we have acquired this morning a large amount of information and important facts bearing on the problem we are trying to solve. The officials of the Metropolitan have given us statistics, schedules, maps and other valuable data which has to be formulated, and some additional figures we have called for will be furnished us as soon as possible."

"When we receive this information from the Metropolitan and the additional information from the 'L,' which will probably not reach us before Saturday, the work of the Board in laying out a definite plan and the matter of formulating recommendations for an improved service will be taken up."

"I mean by this the fullest possible measure of immediate relief. The recommendations are to be made in the shape of formal orders in which we will call on the companies to furnish adequate service for the public. We have so far not discussed the question of cost. If it involves the expenditure of millions we have decided upon."

"I want it understood that these recommendations have to go. We will give to the public early next week our report on the subject of the plans for immediate relief we have decided upon."

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EXCITEMENT IN THE "L" CRUSH CAUSED DEATH OF MR. WESSEL.

Coroner's Physician O'Hanlon, who performed an autopsy this afternoon on the body of Charles Wessel, the metallurgist, of No. 241 West Eighty-seventh street, who dropped dead Tuesday evening in a Ninth avenue elevated train near Cortlandt street, reported to Coroner Jackson that Mr. Wessel died of fatty degeneration of the heart, "probably induced by great excitement or unusual physical exercise."

Coroner Jackson said after receiving the report that if he could find any proof that Mr. Wessel was unduly shoved or pushed he would hold the Manhattan Railway Co. responsible.

LATE RESULTS AT NEW ORLEANS.

Fifth Race—Bard of Avon 1, Jerry Hunt 2, Lady Alberta 3.
Sixth Race—Eddy Bender 1, Marco 2, Tom Maybin 3.

CHARGES AGAINST CAPT. HOGAN DISMISSED.

The charges against Capt. William Hogan, which were brought by the District-Attorney's office, for ordering patrolmen to do other than police duty in his precinct, were dismissed to-day by Deputy Commissioner Piper.

YOUNG MOYNIHAN SET FREE BY COURT.

Edward A. Moynihan, of No. 4 West One Hundred and Sixty-sixth street, son of former Police Captain Daniel C. Moynihan, who was arrested on a charge of twice collecting an undertaker's bill of \$110, was discharged in the Harlem Court this afternoon by Magistrate Zeller. Young Moynihan's mother-in-law paid back the \$110. He was not allowed to go until the Court had given him a severe lecture.

\$200,000 LOST IN FIRE THAT WAS BADLY BOGGLED

Chief Purroy Sent in a Fourth Alarm for the Fierce Blaze on Wooster Street, and, Thinking It Was Under Control, He Sent the Engines Back to Their Quarters.

Then Four More Alarms Were Sent Out to Bring Them Back—200 Women in the Building Were Badly Scared—Dense Smoke Hampered the Work of the Firemen in Trying to Subdue the Blaze.

CHIEF PURROY'S ALARMS SENT OUT FOR ONE FIRE

First	12.45
Second	12.47
Third	12.51
Fourth	12.55
Fifth and sixth (double alarms)	2.00
Seventh	2.07
Eighth	2.15

Acting Chief Purroy, whose career at the head of the Fire Department since the retirement of Chief Croker has been unfortunate, to say the least, made the worst break yet this afternoon. He declared a fire under control in Wooster street, near Houston, for which four alarms had been turned in by his orders. After he left the scene the flames gained headway again, because of the small force left to fight them, the building, seven-story business structure, was destroyed, surrounding property was damaged and a whole row of tenement-houses was menaced.

Four alarms were turned in for the second fire, which produced a cloud of smoke that extended across the middle section of Manhattan and darkened the sky above Williamsburg. It was a hot, mean fire—one of the worst seen recently in the downtown business district—and will undoubtedly result in some sort of action on the part of the underwriters who protested against the removal of Chief Croker.

In a Dangerous Region.

The blaze had its origin in the basement of the building at Nos. 167, 169, 171 and 173 Wooster street. This building was occupied by small manufacturers in cotton and feathers, the material being of a most inflammable nature. The neighborhood is crowded with similar buildings and a fire there is always regarded as extremely dangerous.

The basement of Nos. 167 and 169 where the fire started was occupied by the Manhattan Quilt and Down Company, manufacturers of bed quilts. A quantity of benzine was kept stored in the cellar and this exploded at the beginning of the fire scattering flames all over the place. The noise of the explosion gave the other tenants sufficient warning to enable them to escape.

Six girls on the fourth floor were slow in getting out, and the hallways were clogged with smoke when they started to the street. Some of them fell downstairs, but none was badly injured.

A woman on the second floor became hysterical and was carried out by a fireman.

Deputy Chief Ahearn arrived with the second detachment of engines just in time to see a body of firemen blown from the sidewalk in tenants sufficed by a second explosion of benzine in the cellar. He turned in a third alarm and Deputy Chief Purroy, who arrived a few moments later, sent in a fourth.

Orders Engines Back.

Apparently the flames were confined to the basement and the first floor of the building in which they originated. The smoke was very dense, but Deputy Chief Purroy, after an examination of the premises, decided that the fire was under control. He ordered back all the engines but three and left the scene himself.

Deputy Chief Ahearn was directing the firemen who remained. They were washing down the wreck in the cellar. All at once there was a roar of fire on the third floor in the rear and in less time than it takes to tell it the entire building was wrapped in flames.

Three alarms were turned in at once, bringing back many of the engines that had just been dismissed by the acting chief. When Purroy arrived he directed the turning in of a fourth alarm. In addition to the fire apparatus, this alarm brought 100 policemen from adjacent stations.

Water had no effect on the fire after it got a start. Wooster street is narrow, many of its buildings are old and it was difficult to work in it. The smoke was so dense that it was impossible to see more than two or three feet.

In addition to their task of keeping

Women Badly Frightened.

There were two hundred women at work in the factory of the Novelty Plating Company, which occupies the second floor of the building at Nos. 70-74 West Wooster street. The windows of this building in the rear were within a few feet of the Wooster street building that was on fire. The women became frightened when they saw the flames licking the windows of their workroom and rushed for the exits. Many of them were knocked down and slightly injured.

Acting Chief Purroy was asked why he had dismissed the engines in the first place.

"When I went over the building," he said, "I saw a fire in the basement. There were no indications that it would break out again. With me on my tour of the building, I saw the flames licking the windows of their workroom and rushed for the exits. Many of them were knocked down and slightly injured."

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Agata Under Control.

At 2 o'clock Chief Purroy thought the fire was under control again, but he saw a new grip and made the firemen hurry to keep it from spreading. At this time the front wall of the building was found to be in a dangerous condition, but the firemen were kept in the street at work. Pieces of the cornice fell frequently and narrow escapes from serious injury or death were numerous.

The front part of the roof of the building caved in while the firemen in another section were working hard to get the flames under control and prevent a spread of the fire.

The wall shook and to the spectators it seemed for a few seconds as if the whole structure would sag down and take the men with it, but the wall stood, while the workers retained their positions.

Chief Purroy says that the second blaze started in the establishment of Charles Goldstein, a printer, on the third floor.

At 4 o'clock the fire was again said to be under control.

Chief Purroy was still there, rather puzzled as to how it started, but he said, "This is the most peculiar fire I ever saw. The flames came out of the two doors, the hardest to fight. I think now the second fire started in the other building. The fire was very dense, but Deputy Chief Purroy, after an examination of the fire apparatus, this alarm brought 100 policemen from adjacent stations."

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