

SENATORSHIP NEARLY LOST BY DEMOCRATS

HYDE STORY SHUT OUT AT BRIBERY TRIAL

WEATHER—Snow To-Night; Tuesday Fair.

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FINAL EDITION

The



World

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HYDE BARRED FROM STAND; NOT ALLOWED TO TESTIFY ABOUT RACE BRIBE FUND

Court Declares City Chamberlain's Story Has No Bearing on Gardner's Guilt.

ELDER CONTRADICTED.

George L. Tirrell Declares He Never Discussed Case With Brooklyn Prosecutor.

Charles H. Hyde, the City Chamberlain, was subpoenaed this afternoon as a witness for the defense at the trial of former State Senator Frank J. Gardner of Brooklyn, Henry J. Goldsmith, assistant counsel for Gardner, presumably served Mr. Hyde with a summons at Hyde's office at 130 West 42d street.

But after the defense had opened its case Justice Seabury declined to allow the introduction of Mr. Hyde as a witness on the ground that Hyde could only testify to collateral issues not directly connected with the charge against the defendant at the bar. So Mr. Hyde, after sitting in the courtroom for more than an hour, went back to his department in the Stewart Building.

Will Shut Out All of Them. This ruling, if enforced throughout the trial, means that none of the prominent men named in Robert H. Elder's version of Gardner's alleged confession as having figured in the raising of a half-million-dollar corruption fund to meet the Hart-Agnew anti-trust bills in 1898 will be permitted to take the stand tomorrow when the trial is resumed.

Two incidents came out prominently at the morning session. One was the flat contradiction by George L. Tirrell, private secretary of Comptroller Frederick, of part of the story told on the witness stand by Robert Elder, Assistant Prosecutor of Kings County. Mr. Elder had sworn that Tirrell, who was an Albany correspondent in 1898, had repeated an alleged conversation in which Gardner was quoted as having paid Foelker \$15,000 for his vote. Tirrell in his testimony today declared he had never had a conversation with Elder on the subject.

The other incident was connected with the testimony of George W. Hall of Wilkes-Barre, Pa., formerly a sales agent for the company in which Gardner is interested. Hall repeated an alleged conversation with Gardner in which he quoted Gardner as saying he took \$200,000 to Albany and that Foelker was to have received \$100,000 to vote against the bills.

It was brought out in cross-examination that Hall has since left the employ of the Gardner company and that he is receiving \$50 a week and expenses from the District Attorney.

Tirrell on the Stand. When the trial was resumed at the morning session Mr. Nott led off by calling Tirrell. Before he could begin any testimony the Judge, on motion of Max Steuer, chief counsel for the defense, struck out that portion of the evidence of Assistant District Attorney Robert Elder of Kings County referring to the alleged payment of corruption money to newspaper men during the fight upon the bills. Justice Seabury declined to take from the record the rest of Elder's story, embodying the so-called confession of Gardner to Mr. Elder.

Being thus circumvented, Mr. Nott asked Tirrell if he remembered any conversations he had had with Elder touching on legislative matters. Mr. Tirrell couldn't recall talking with Elder at all. Elder had stated under oath that Tirrell told him he understood Otto G. Foelker, now Congressman from the Third District, but in 1898 a State Senator, had accepted \$15,000 to vote against the anti-trust acts.

Showing his disappointment at the answer of the witness, Mr. Nott said down, and Mr. Steuer cross-examined Mr. Tirrell.

"Did you," asked Steuer, "ever see Elder in Albany during 1908?"

"Yes, I think so," said the witness.

WOMAN AERONAUT RISKS ZERO BLAST IN NIGHT FLIGHT

Mme. Bartlatier With Her Husband Sails Away in Big Balloon for Montreal.

OGDENSBURG, N. Y., Feb. 20.—Murdered in furs, Mr. and Mrs. Emil Bartlatier are braving zero weather and a cutting southwest wind in the first winter balloon flight ever made in this part of the country. The French aeronaut and his wife sailed away from Ogdenburg at 8:15 last night, hoping to reach Montreal. Thousands saw them swing low over the city and disappear in the direction of Montreal.

Conditions were ideal and the start was without the slightest mishap; the night was clear and frosty, with a light southwest wind prevailing.

The news in the evening that the balloon was preparing to sail spread through the city like wildfire and caused the wholesale abandonment of evening meals and church services. A few minutes after 9 o'clock the aeronaut's intrepid wife boarded the car. She was accorded a tremendous ovation as she leaped lightly into the basket. Bartlatier expected to make the trip in about fifteen hours.

HOBSON PREDICTS WAR WITH JAPAN IN 10 MONTHS.

Congressman Declares Mikado Is Prepared for Long Struggle With United States.

WASHINGTON, Feb. 20.—War, treasure-exhausting and long continued, with the Japanese within ten months was predicted by Representative Hobson on the floor of the House today.

Hobson, in a speech earnestly advocating a definite constructive policy of defense, declared war within ten months, and predicted that Japan was already financially prepared for it and that the United States would be forced to make it a long drawn-out, exhausting struggle.

Hobson said that he had not the slightest doubt that the Japanese now on the Pacific Coast were preparing with their home Government for war against the United States.

"But I am sure that in Japan's present financial state she could not afford a war," asked Representative Gaines.

"Japan is hard up now," shouted Hobson, "but for the reason that she has already financed the coming war. She is probably the only nation that has ever prepared the financial resources for a war before it occurred."

DIX DENIES "JOKERS."

Admits Responsibility and Vouches for Railroad Bill.

ALBANY, Feb. 20.—Gov. Dix today firmly assumed all responsibility for the bills introduced by Senator Emerson, which he is charged as "jokers" to the General Highway bill, but in for the purpose of building a \$1,200,000 road system through Oneida and Herkimer Counties to the village of McKeeville, where the Governor has large interests. State Chairman Winfield A. Huppock also has interests which it is claimed would be benefited by the building of this road. When the Governor was asked about those supposed "jokers" he declared that he had suggested the measure to Senator Emerson, a Republican from that district, and that there is nothing about them that would justify their being called "jokers."

"I have no personal interest in the road, and there could be no personal advantage to me in its construction," the Governor continued. "I believe that the people are entitled to it and believe that the central portion of the State ought to be considered."

SAYS "TOM" ECKERT MADE ATTACK ON SISTER-IN-LAW

Brother Swears to Episode at Glen Cove That Began Family Feud.

CHOKED CHILD ALSO.

Said Father Was Incompetent and Threatened to Have Sanity Commission.

James Clendelin Eckert, contesting the will of his father, the late Gen. Thomas T. Eckert, which cut him off with only \$100,000, and left his younger brother, T. T. Eckert Jr., the bulk of a \$3,000,000 estate, testified before Surrogate Coburn today to the alleged causes that led to the present bitterness between himself and brother.

He charged that T. T. Eckert Jr. attacked his wife at Glen Cove, L. I., during the summer of 1889, and left black and blue marks on her throat.

"My brother then went to his room and remained there the rest of the day," said the witness.

"What happened next?"

"My father came."

"Did your brother remain long after that with you and your family?"

"No, long," replied Clendelin Eckert positively.

Choked Child, He Says. Later, when he and his family were living in a house near the General's at Elberon, N. J., Clendelin Eckert declared, T. T. Eckert Jr. "made life so unbearable" for them they were forced to return to New York.

"He caused many scenes," said the elder brother. "He swore at my wife and children, hurled stones at the house and pelted one of my children against the wall and choked the child."

"Did you ever have any conversation with your brother about your father's mental condition?" was the next question.

"Yes," said Mr. Eckert. "My brother told me he was going to have a commission appointed to take care of father's affairs. He said father was incompetent. I said 'Never.' He said: 'It will do it anyway.' I answered: 'You never will if I have anything to say about it.'"

"Did you have a conversation with your brother about money in 1907?"

"Yes, I told him I wanted some money. He owed me money for fourteen years."

"Well, you were on friendly terms with your brother at that time?"

"Why, yes, we spoke."

"Do you remember any other occasions than the ones you have mentioned at Glen Cove and Elberon when you had any trouble with your brother?"

"Yes. After my stepmother's death in 1902, I accused Tom of lying to mother and father about me."

"Any other times?"

"Yes, in 1899, my brother ordered me out of my father's home. He said it was his house."

SAYS MILLIONAIRE SOCIALIST WALLING MADE LOVE A TOY

Beautiful Russian Girl Demands \$100,000 for Wreck of Affections.

WOODED IN MANY LANDS.

Talented Young Woman Produces Bundles of Letters to Support Claim.

William English Walling, millionaire Socialist and settlement worker and nephew of William H. English, candidate for Vice-President of the United States in 1890, is the defendant in a \$100,000 suit for alleged breach of promise to marry begun before Justice Gleeson and a jury in the Supreme Court today.

The plaintiff is Annette B. Grunspan, a strikingly beautiful teacher of Russian, who met the author of "Russia's Message" in Paris in 1905. Miss Grunspan is twenty-three years old, dark haired and tall. A hood and gown in black velvet threw into strong contrast her oval face and complexion as pure as cream. Her mother and brother were witnesses in her behalf.

He Weds Another. Walling is tall and blond, with blue dreamy eyes. Although reputed to be a millionaire, he was shabbily dressed. He married Anna Strunsky, a noted Russian authoress.

In her complaint Miss Grunspan stated that Walling promised to marry her in France, Germany, England, Russia and Switzerland, where she travelled with him while obtaining material for a book.

"I would not have brought this suit if this man had not acted as if he thought a woman's heart and her sacrificing affection were toys for his amusement. I was only seventeen when he asked me to marry him," said Miss Grunspan.

Her lawyer, Arthur W. Wickwire, she said, has bundles of letters written by the rich socialist. Walling denied that he ever promised to marry the girl, and said he took merely a friendly interest in her welfare and paid for her tuition in England. His sympathies, he says, for the oppressed Russians at the time of the massacres in Russia caused him to be interested in this young woman.

Met in Paris Street. Miss Grunspan first met Walling, she testified, while returning home from her place of employment one evening in May, 1905. Walling, with a friend, accosted her and said:

"Pardoa me, mademoiselle, my friend thinks he knows you."

She repulsed him, but he pursued her to her home. Next day she accepted his invitation to ride to Puteaux, where he and the Porte Maitlot, where they had dinner. She reproached him for spending money lavishly, she testified, and told him that she was a working girl, and that it did not look well. He replied that he "had plenty of it." She continued:

"I was happy, for Mr. Walling was nice, refined and considerate. I was seventeen and reveling in attentions from him made me quite happy. He brought me presents. Once he brought me a fine pair of velvet shoes. I asked my mother if I could take them. She agreed, if the gentleman was sincere in his gift."

It was at the Porte Maitlot, after an evening's ride about the Porte de Vincennes that Walling proposed marriage to her, she said.

"He told me I was the sweetest and dearest woman he ever met, that he had been all over the world and loved me most of any woman. He kissed me and placed a marquisette ring on my finger and said if I could have him he would be happy to marry me. He said he would be a criminal if he permitted his fiancée to work. He offered to pay me my salary to stay home with my mother. I would not take his money, but I stopped working."

Two weeks after the engagement she swore took place Miss Grunspan stated that Walling suggested a trip to Warsaw to bring to Paris her two brothers.

"He told me that as I was engaged to him that I must obey his wishes," she said.

(Continued on Second Page.)

COULD HAVE ELECTED DEPEW, REPUBLICANS HAD THE VOTES

Girl and Millionaire Socialist She Is Suing for \$100,000



ANNETTE GRUNSPAN WIFE OF WALLING

LACE IMPORTERS ARE HELD FOR CUSTOMS FRAUD

\$12,000 Bail for Duffot, \$7,500 Each for Mills and Mouraille.

United States Marshal William Hooker arrested Lawrence H. Mills, Charles G. Mouraille and Emil S. Duffot, laces importers, at their store, No. 46 Broadway, today, on a warrant signed by United States Commissioner Shields, charging them with underpayment of duty on laces.

Mills and Duffot are one of the largest lace importers in New York, and it is alleged to have been a heavy violator of the tariff schedule, though the formal complaint made by John M. Williams, a customs inspector, mentions only a single case of violations reported from France.

Inspector Williams says his information was obtained from the official records at the Custom House and from the statements of witnesses whose names cannot be disclosed at this time.

The lace importers were arraigned before Judge Holt in the United States Circuit Court this afternoon.

Judge Holt fixed the bail at \$12,000 for Duffot and \$7,500 each for Mills and Mouraille. The bail was ready and the importers were released.

Amelia Cigarette Sale Law. ALBANY, Feb. 20.—The age limit of boys in whom cigarettes may be sold is changed from sixteen to eighteen years in a bill introduced today by Assemblyman Collins.

Mrs. Dix Heads Benefit Committee. Mrs. John A. Dix is honorary president of a committee of society women which is arranging a safe chalet to be given to the Hotel Astor for the benefit of the George Junior Republic on Feb. 27. Gov. Dix and his staff will attend.

Sunday World Wants Work Monday Morning Wonders

EX-SENATOR'S WIFE PASSES ORDEAL OF SURGEON'S KNIFE

Mrs. W. A. Clark Rallies After Successful Operation for Appendicitis.

Mrs. William A. Clark, wife of the former Senator from Montana, was operated on for appendicitis in Roosevelt Hospital today. The operation was performed by Dr. G. Montgomery Tuttle, of No. 38 West Fifty-second street, assisted by members of the house staff.

After the operation Dr. Tuttle telephoned to Senator Clark's home that the operation had been in every way successful. Senator Clark was in the hospital during the operation and remained until he had been reassured that there was every likelihood of a speedy recovery.

Mrs. Clark was removed from the Clark mansion on Fifth avenue to the hospital yesterday afternoon. She had been ill for several days. It was proposed to operate on her yesterday, but she asked for another day to gain strength.

Storm Not Heavy in Boston. BOSTON, Feb. 20.—The southern storm reached this city at 8:30 A. M. Up to 10 A. M. the snowfall was moderate and caused little inconvenience to land traffic. The wind was brisk to high from the northeast.

Fire in Brooklyn Hotel. A fire was discovered in one of the dormitories of the big Hotel Margaret on Columbia Heights in New York at 2:30 o'clock this afternoon. An employee burned in an alarm from a lower floor, but the blaze had been extinguished when the firemen arrived.

World Building Turkish Baths. The World Building Turkish Baths, at 125 West 42d street, is being altered and enlarged. The building is owned by the World Building Co.

Democratic Leader Smith Has to Beg Minority Not to Press Advantage and Re-elect Depew When Tammany Men Fail to Appear.

MISTAKE AS TO PAIRING CAUSE OF THE TROUBLE.

Warning Is Sounded. However, That if Such a Condition Arises Next Monday the Republicans May Not Be So Generous to Their Opponents.

ALBANY, Feb. 20.—Had the Republican leaders of the Legislature pressed an advantage that unexpectedly came to their aid today they might have elected Chauncey M. Depew United States Senator on the joint ballot. The Democrats were caught napping, with but a fractional part of their representation on hand, while the Republicans in both branches were present in almost full force.

With Boss Murphy remaining in New York and the Sheehan managers apathetic the caucus-bound Democrats are taking little interest in the Senatorship contest. In consequence the Tammany delegation came up from New York in a sadly depleted array this morning.

It appears that on account of a misunderstanding as to an agreement between Majority Leader Smith and Minority Leader Merritt of the Assembly the Democrats thought their pairs were to stand for today's session. On the contrary the Republicans were informed that the pairing made for Saturday had been abrogated.

Republicans in Majority. When the legislators assembled in joint session at noon it was found that practically all the Republican Assemblymen and nearly all the Republican Senators were in their seats. On the Democratic side there were not more than half a dozen Senators, and twenty-two Assemblymen were absent.

Assemblyman Smith, Senator Wagner and the Sheehan boosters woke up to the situation about the same time. Here was the situation:

The Sheehan strength on joint ballot was only 41 votes. The insurgents were on hand with 27 votes, a total Democratic vote of 71.

The Democrats were in shape to deliver 41 or 42 votes to Depew and this number would have been sufficient for a majority of all the votes cast.

The feelings of Assemblyman Smith, Senator Wagner and the Sheehan boosters cannot be described.

There were two courses open to the Democrats. One was to try to delay a vote by filibustering tactics until the majority members could reach Albany. The other was to appeal to the foe. The latter course was followed.

Assemblyman Merritt was persuaded that the absent Democrats were mistakenly about the impression that they were still paired. With this understanding he permitted a compromise. Smith scurried around and got a sufficient number of Republicans to refrain from voting to save the day.

Merritt's Statement. After the vote had been announced Republican Leader Merritt said:

"I do not want members of the minority to enter into any pairing arrangement or bind themselves in any way for next Monday. Many of the problems have to come long distanced and if they have to be here on Monday there is no reason why the Democrats from New York should not also be here."

"The vote was very close today, and next Monday if we have a repetition of these conditions I give warning that there may be a Senator elected."

On the roll call Sheehan had received 41 votes and Depew 41. Immediately after this statement from Merritt an attempt was made to force another roll call in the hope of a hurried combination of insurgents and Republicans.

Assemblyman Sweet, who was the originator of the scheme sprung three weeks ago for such a coalition, demanded a roll call on the motion to table a recess until tomorrow.

The insurgents, however, refused to join with the Republicans even on this point and joined with the regulars in voting for an adjournment.

The formal announcement by Martin W. Littleton, Representative-elect from the Second Congressional district, of his candidacy for the United States Senatorship failed to change a single vote in his favor. Senator Burd and Assemblymen Hollman and Hoyt continued to support him.

The insurgents at a meeting today discussed Mr. Littleton's candidacy, but decided that it would not be policy at this time to rally to his support.

NATIVES MASSACRE BRITISH OFFICIAL AND 26 WITH HIM

Stanforth Smith, Administrator in New Guinea, Slain on Exploring Trip.

BRISBANE, Australia, Feb. 20.—Word was received today from Papua, a division of the island of New Guinea, of the massacre of Stanforth Smith, the British administrator of Papua, two white officers and a party of natives by inhabitants of the interior.

Smith, accompanied by the officers, twelve native police and fourteen carriers, left Port Moresby, the capital of Papua, on Nov. 18 last to explore the interior of the country. The party was last heard from on Dec. 1. Subsequently searches were sent out, and these have failed to return.