

GIRL WATCHED IN BABY POISON MYSTERY

Dix Says Gerard's Decision Disposes of the Brandt Case

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GOVERNOR TRIES TO DODGE BRANDT CASE BY PASSING IT TO JUSTICE GERARD

Governor Tells Commissioner Hand to Drop Investigation of 30-Year Sentence.

WHITMAN STILL BUSY.

Court Withholds Signature to Writ While Carmody Urges Governor to Pardon.

The game of "passing the buck" in the Brandt case proceeded merrily to-day. Justice Gerard, having been handed by Gov. Dix the responsibility for deciding the future of Brandt gracefully passed said responsibility back to Gov. Dix and in this he was aided by Attorney-General Carmody and District-Attorney Whitman.

But the Governor refused to accept the deal. Through his special commissioner, Judge Richard L. Hand, he announced that he considered the case out of his jurisdiction and criticized Justice Gerard for taking advantage of a technicality. It is quite apparent that Gov. Dix would be pleased to be rid of the Brandt matter.

"I have nothing to add to my statement of last night," said Gov. Dix today. "I will say nothing further for the present. My position is that the decision of Justice Gerard renders me powerless to act until that decision is set aside."

Replying to the statement of Brandt's counsel that their client did not make a personal application for clemency, the Governor said: "The application was made directly in behalf of Brandt. The record showing the process will be made public if necessary."

On the part of the Attorney-General and the District-Attorney there appears to exist the hope that Justice Gerard's decision upholding the habeas corpus writ in the Brandt matter may be reversed by the Appellate Division. They will confer to-day with Justice Gerard on that point and also on a plan to refuse to appeal the decision.

CARMODY URGES GOVERNOR TO PARDON.

This might suit Gov. Dix, but it would not suit other interests in the case and the Governor would be asked to designate a special Deputy Attorney-General to make the appeal. In order to avoid such a contingency the Attorney-General and the District-Attorney and Justice Gerard are seeking to persuade the Governor to pardon Brandt.

Justice Gerard takes the position that inasmuch as his decision, handed down on Wednesday, has not yet been entered, Brandt remains a convict and a subject for action on the part of the Governor. The decision was to have been entered to-day, but Justice Gerard will withhold action until next week, unless counsel for Brandt insist that the habeas corpus proceeding be disposed of forthwith.

Justice Gerard said that the Brandt case squarely up to Gov. Dix this morning by announcing on his arrival at the

"GIRL IN TIGHTS" MUST SKIMP ON, ON \$6,000 YEAR.

Stingy Judge Refuses to Increase Mrs. Wheeler's Alimony to \$10,000 but Won't Reduce It, Either.

Mrs. Claudia Carleton Wheeler, known in her actress days as "the pretty girl in the red tights," is to keep on getting \$6,000 a month alimony from Albert Wheeler, her husband, who is the owner of the Chicago avenue. This decision was handed down by Justice Newburger in Part III, of the Supreme Court, late this afternoon.

Mrs. Wheeler obtained an original order for \$10,000 a year alimony. This was later reduced to \$6,000, or \$4,000 a year. She made appeal for a third order for the larger amount. Wheeler resisted, declaring he was without means, save such a money as his wife would give him. He wanted the amount of alimony reduced instead of increased.

Justice Newburger, in his decision, pointed out the fact that when Wheeler left his wife, in 1907, they were living in an expensive apartment and had a country estate at Portchester. He also called attention to the fact that young Wheeler, despite his protestations of poverty, still retains his seat on the Stock Exchange and his membership in several clubs. The Justice cited these as his reasons for allowing the alimony order to remain as it was.

GIRL CLERK FALLS FROM 16TH FLOOR OF SKYSCRAPER

Plunges Down Elevator Shaft in Importers and Traders' Building.

Jean Sackheim, a stenographer, twenty-three years old, of No. 219 Audubon avenue, was instantly killed this afternoon by a fall from the sixteenth floor down the elevator shaft of the Importers and Traders' Building at No. 59 Pearl street. The girl fell in a shaft in which the elevator was standing at the ground floor and landed on the roof of the car.

Coroner Winterbottom ordered the arrest this afternoon of William G. Piqueron, owner of the building, on a charge of criminal negligence and paroled him until to-morrow. The coroner found the door of the elevator shaft on the sixteenth floor defective, in that it bounded open after it was slammed shut by the operator. Other doors were found similarly defective.

GIRL VICTIM ONE OF EIGHT CHILDREN.

Miss Sackheim, one of a family of eight children, was employed by Giovanni Circone, a lemon importer, with an office on the sixteenth floor. Her friends knew she had a brother, Benjamin, employed in the Post-Office, and he was notified of the accident, and took charge of the body.

Shortly after Mr. Sackheim reached the building and while the lower corridors were crowded with excited tenants, Superintendent Cornell set up the theory that the girl had committed suicide. He announced his belief that she deliberately opened the door at the sixteenth floor and threw herself into the shaft.

This brought out a storm of indignant protest from the tenants and their employees.

It was recalled that just before Christmas last year one of the elevators in the building fell to the cellar from the ninth floor with eight passengers. Nearly all of them had their legs broken and two died as a result of their injuries. There was another elevator accident previous to that, and the tenants say the elevator doors are hard to close and are frequently left partially or wholly open by the elevator operators.

TENANTS TELL OF DOORS OFTEN LEFT OPEN.

The most indignant opponent of Superintendent Cornell's suicide theory was Alice Feinman, a stenographer for the Pan-American Trading Company, which has offices on the fourth floor.

"Jean," said Miss Feinman, "always called for me promptly about a minute before noon. It was her custom to ride down to the fourth floor from the sixteenth and join me, and we would go out together."

"To-day she did not appear on time. I waited for her and I had just remarked that she would be scolded for being late when I heard a piercing scream and then a crash. It was poor Jean falling down the elevator shaft."

Persons who saw the girl falling past the various floors say she had her arms wrapped around the elevator cables. Her hands, arms and breast were torn and burned by the friction from the desperate clasp she had on the wires as she descended.

The tragic death of the young girl, who was engaged to be married, completely demoralized business in the building for the afternoon. Some of the stenographers employed in offices were so affected that their employers sent them home.

WOMEN'S VOTE WILL WIN CALIFORNIA FOR TAFT.

WASHINGTON, Feb. 23.—That California will be for Taft's renomination was the declaration of ex-Representative Englebright at the White House to-day. He said the women would all vote for Taft.

HOUSE BLOWN UP, MURDER FOLLOWED, GETS 13 MONTHS

Judge Foster Sends Man Convicted in Yiddish Camorra Case to Reformatory.

GIVES HIS FAMILY \$25.

Victim of Crime Refused to Give Up \$500 and Was Shot on Day of Trial.

Police Commissioner Waldo may include in his next annual report the following case of justice tempered with mercy:

THE CRIME—Charles Vitusky, of No. 312 Henry street, a member of the organization of horse poisoners and stable burners called the Yiddish Camorra, was convicted in the Court of General Sessions of attempting to extort \$500 from Louis Blumenthal, a horse dealer of No. 222 Henry street.

The evidence showed that Blumenthal, after he had refused Vitusky's demand, was threatened with death. A bomb, loaded with slugs, nails and bits of iron, was exploded in the hallway of the tenement in which he lived on Dec. 11, 1911, wrecking the first floor.

Threats against his life reached him so persistently that his wife left him and went to live with her own people. He had Vitusky arrested and testified against him in the police court. On the morning of Jan. 30, 1912, on which date Vitusky was to be tried, Blumenthal was shot to death in a lively stable near his home. The murderer escaped. Vitusky was out on bail.

THE PUNISHMENT—Judge Foster to-day sentenced Vitusky to the Elmira Reformatory and gave the probation officer of the court \$25 for the prisoner's family. The officer had reported Vitusky's wife and three children in want.

Vitusky may be released at the expiration of thirteen months on recommendation of the Parole Board.

BELMONT AND FAMILY ALL GIVEN COURSE OF PASTEUR TREATMENT.

Son of Financier, Fearing Rabies From Playful Dog, Takes Preventive Steps.

As a precaution against rabies, which was prevalent in Babylon, L. I. August Belmont Jr. and his family, it became known to-day, took the Pasteur treatment just before leaving for their recent visit to the estate of Mr. Belmont's father in South Carolina.

The treatment lasted nineteen days, and the entire family, consisting of Mr. and Mrs. Belmont and their children—August, six; Beale, three, and Alice, eighteen months old—were subjected to it as their parents were afraid to take any chances.

Mr. Belmont's apprehension was increased by the fact that his children had a small terrier which acted so strangely that a veterinary was called in to destroy it. The dog's condition was such that Mr. Belmont feared that while playing with the animal some of the children might have had scratches on their hands or arms or its tongue become infected.

It had been the intention of the Belmonts to start South on Jan. 25, but the treatment delayed their departure until Feb. 12.

GEE, WHAT A THIRST! NAT GOODWIN SUED FOR BOOZE

Nat Goodwin, comedian and many-time husband, is being sued in the City Court for a liquor bill, said to have been contracted when the impressionable Nathaniel was in the throes of his romantic wedlock with the beautiful Edna Goodwin.

There was nothing small about Nat. Indeed, according to the complaint of George A. Poggi & Co., of Liverpool, who are suing the actor, Nat ordered \$500 worth of wet goods shipped to his California bungalow. He paid \$60 on account, and the liquor dealers now demand the balance, with interest.

Harrison Clark, counsel for Poggi & Co., said to-day that one of the items sold Mr. Goodwin was a hoghead of Scotch whisky.

Through his lawyers the comedian has secured an order of the Court requiring Poggi & Co. to file a bond to cover the costs of the action in case the suit is unsuccessful.

MAYOR COMING HOME

Returns to-morrow from Atlantic City and Will Visit Office.

Mayor Gaynor is to return from Atlantic City to-morrow. He will probably appear at his office in the City Hall. He desires, in coming back to the city in advance of his set date, Monday next, to take up several municipal situations.

The Mayor will attend the Amen Corner dinner to-morrow night.

BUTTER AND EGGS MEN TRY TO STOP FOOD COST PROBE

Get a Writ of Prohibition Against One Magistrate Murphy Is Conducting.

The investigation that Assistant District-Attorney De Ford has been conducting before Magistrate Murphy into the high price of butter and eggs was halted late this afternoon by an order issued by Justice Davis of the Supreme Court.

The order commands Mr. De Ford and Magistrate Murphy to show cause on Monday next why a writ of prohibition should not be issued to suspend the investigation on the ground that it is illegal.

The writ was obtained by Franklin Taylor, counsel for the Mercantile Exchange organization of butter and egg men. Mr. Taylor contends and has been contending since the start of the investigation that it is an ex parte proceeding in the nature of a fishing expedition in that no defendants are named.

At the hearing before Magistrate Murphy this afternoon Frank G. Henry, superintendent of the Mercantile Exchange, said the majority of the members of the exchange, whose names appear in the enrollment book for the calendar year, were engaged in the butter and egg trade.

"More than one-half, or about 235 members, of the exchange are employed in handling butter, cheese and eggs," said Mr. Markley, "but there are many persons engaged in the business who are not members of the exchange, only the important wholesale dealers are members."

Mr. Reynolds stated that Schwartzschild & Sulzberger were two big firms named by Mr. Henry as being not members.

EX-POLICE CAPTAIN CATCHES BURGLAR FOUND IN HIS HOME.

James G. Reynolds, Retired by Bingham, Repeats Capture After Man Escapes.

Former Police Capt. James G. Reynolds, who was head of the Brooklyn Detective Bureau when he was dismissed by Commissioner Bingham for "defective eyesight," captured a burglar in his home at No. 171 Garfield place this afternoon. The captain, who is fifty-nine years old, further demonstrated his ability by recapturing the burglar after an escape.

Going up from the basement dining-room after lunch Mr. Reynolds found the front door open. He called down to his wife and daughter and asked them if they had left it open. They had not, and he started up through the house. On the second floor he encountered a young man coming out of the room of his son.

"Where can I find Mrs. Elliott?" said the young man.

"Right this way," said the former policeman, pointing down the stairs. As the young man came down Reynolds grabbed him by the collar.

Out on the street the prisoner took advantage of a bit of icy pavement, tripped Mr. Reynolds and ran. He was around the corner of Sixth avenue when Reynolds, picking himself up saw-in spite of his "defective sight"—Policeman Salvatore Santoro, who was once a detective under Reynolds, rounding the corner. Reynolds signalled Santoro, who hurried back to the avenue. The fugitive had passed Santoro, who was patrolling in uniform at a walk, but when Santoro rounded the corner was running like a scared cat. Santoro chased him through First street to Fifth avenue and lost him. When Reynolds came up Santoro was standing in front of No. 274 Fifth avenue.

Mr. Reynolds started Santoro at the door and went up through the house. In a narrow left between the upper story of the apartment house and the roof he saw a man. Mr. Reynolds took hold of his feet and dragged him out to the curb.

In Butler Street Court the prisoner said he was Angelo Santoro and that he lived in Greenpoint. In his pocket was found a book belonging to J. C. Metzger of No. 36 Sixth street, whose house was robbed a week ago. He was held for the Grand Jury.

CHALONER WIRES "IT COSTS HIGH" TO BE "LOONEY"

Calls Dismissal of Suit an Outrage and Orders Counsel to Appeal.

In accordance with the ruling which he made on Wednesday in the litigation instituted by John Armstrong Chaloner against Thomas J. Sherman, his committee of estate, to recover \$250,000 for alleged conversion, Judge Holt, sitting in the United States District Court, to-day directed the jury to bring in a verdict for the defendant. This was done.

Upon learning that the suit had been dismissed by Judge Holt, Chaloner sent this telegram to his counsel:

"Delighted. Appeal is necessary. The greater the delay the greater the cost, the greater the outrage the greater the object lesson to the public concerning need of reforming lunacy legislation. I have been a martyr so long to ignorant judges and unjust laws that I am getting used to it. Assure my brilliant and learned counsel of my commendation on their conduct of the case."

Judge Holt held that the lunacy proceedings in the State Supreme Court, complained of as being part of a conspiracy to deprive Chaloner of his liberty and his property, were perfectly regular, and that the only way for the plaintiff to recover his estate was to ask the State Court to set aside the order committing him to Bloomingdale Asylum, and also to ask for the discharge of Sherman as his committee of estate.

It was Chaloner, who, on hearing of Sheriff "Bob" Chanler's marriage to Cavell, sent the famous wire: "Whose looney, now?"

Gov. Dix Here to-morrow.

ALBANY, Feb. 23.—Gov. Dix plans to go to New York to-morrow to attend the banquet of the Amen Corner dinner in the evening. He has tentatively arranged to go from New York to Atlantic City Sunday and Monday, returning here Tuesday.

World Building Turkish Baths, 21 Park Row, Bathing, 21 Park Row, 21 Park Row, 21 Park Row.

JUNGLE DEMOCRACY.

SWANO TUMBO, WE'VE RUA! THINGS YOUR WAY FOR CENTURIES!



THREAT TO "GET EVEN" MADE BY GIRL BEFORE BABES WERE POISONED

Young Mother Employed in Stricken Nursery Was Heard Telling Baby "Then I'll Give You a Dose and Take One Myself."

ALIENISTS TEST SANITY; HOLD HER AT HOSPITAL.

Eight Are Now Dead in Brooklyn Home, One Dying, and Three Ill From Acid in Milk.

Dr. W. H. Aten of No. 100 Greene avenue, Brooklyn, an alienist, was summoned to-day to the Brooklyn Nursery and Infants' Hospital at No. 404 Herkimer street, where eight babies have died since Sunday, apparently from poison, to examine Winifred Ankers, a maid of all work in the place. The girl is herself the mother of a nine-month-old baby which is in the hospital, but is not among those who have suffered from the strange visitations of the last few days. One more baby is dying and three are very ill.

Dr. Aten was engaged by the hospital authorities, who feel that inasmuch as the police have not yet found grounds for making a direct accusation of murder, it is well to have it established whether or not Miss Ankers is insane, so that, if advisable, she may be sent to Kings County Hospital for examination as to her sanity and be committed for her own protection and that of the community.

Roosevelt Keeps Canned His Reply to the Boomers

Not a Word Till He Pries Lid Off Answer to "Great Public's Demand."

Not a word would Col. Roosevelt say about politics to-day—not a word. He smiled and smiled and wished everybody many happy returns of the day and said he felt badly and anticipated a bully time in Boston, but he wouldn't say a word about politics.

As a matter of fact, the Colonel has had something to say, but he has put it on paper and it is under cover. It is in the shape of a reply to the Western Governors who met in Chicago a couple of weeks ago and adopted resolutions imploring him to accept the nomination for President.

Inasmuch as many persons know what the Colonel is going to say to the Governors in his reply, it is no violation of confidence to state that the Colonel is not going to come right out and say he is a candidate. On the contrary, he is going to say that he is not a candidate for the renomination.

BUT

If the great American people want him they can have him. That is the gist of the Colonel's reply, or else many of his boomers have been misinformed. The reply to the Governors will be made public Monday morning.

The Colonel had one of the times of his life this afternoon. He met forty boys of the Young Australia League and made a swift speech to them. All of which was recorded in moving pictures and at no stage of the proceedings was the Colonel out of focus.

Col. Roosevelt will start for Boston to-morrow to attend a meeting of the Harvard Overseers. He will not return to New York until next Wednesday afternoon.

"SPARRERS AND GRAY."

A new Comic Series, by George McManis, author of the Newlyweds, now appearing in the Sunday World's Funny Side. If you want some one to make you laugh, "Let George Do It."

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Miss Ankers, under instructions from the head nurse, Miss Louise Howard, bought on Feb. 15 a quantity of oxalic acid. Her own memory as to the date of the purchase seems to be at fault, for to the police and to Dr. H. C. Allen, visiting physician in charge of the hospital this month, she insists she bought it "three weeks ago" and not two days before the babies began to die.

Part of the purchased acid was given to Miss Howard. Of that portion none has been used. Part was retained by Miss Ankers for use in her cleaning work. Nearly all this is gone. The girl says she used it in sterilizing the operating table, which she did actually clean early in the week.

The Ankers girl had access to a closet in which were racks where food for the babies was kept. She had charge of the feeding of her own child. Each of the thirty babies in the hospital had an individual formula, according to which the lime water, sugar of milk and milk were mixed. Batches for each separate feeding of the day were filled each morning and set aside in the racks until used.

THINKS POISON PUT IN BOTTLES IN CLOSET.

Dr. Allen believes poison was put into the bottles while they were in the racks. He has learned that the last baby to be taken ill with poisoning symptoms had only two swallowings of its feeding. This was because the nurse noticed that the bottle was full to its whole capacity of eight ounces, though its formula called for only three ounces.

The nurse took the bottle away from the infant to pour off five ounces. When she returned the baby was already violently ill. It was the twelfth of the fifteen babies in the nursery ward to be taken sick. The babies in the nursery are all healthy infants, put there by parents who cannot, for various reasons, care for them.

After detectives had questioned Miss Ankers for nearly four hours yesterday afternoon without gaining the slightest information as to any knowledge she might have of the poisoning, they asked Dr. Allen to talk to her later in the evening. Meanwhile she was kept under close watch.

It had been reported that recently a nurse heard her say, while bending over her own child: "Don't cry, darling. It will be all right. We'll get square with these people here and then I'll give you a dose and take one myself and we will have no more 'troubles'."

Since the birth of her baby the Ankers girl has shown a sulky disposition toward nurses and the physicians of the hospital. She felt herself ill-treated,