

FOX, GUILTY, NAMES "HIGHER-UP" GRAFTERS

JUSTICE M'CALL ACCEPTS WILLCOX'S PLACE

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M'CALL QUILTS THE BENCH, MAY GET ON SERVICE BOARD BEFORE SUBWAY DEALS END

Name Will Probably Be Sent to the Senate To-Night by Gov. Sulzer.

DIDN'T WANT THE PLACE

Says if He Has to Consider Subway Contracts He Will Take His Time.

Supreme Court Justice Edward E. McCall has been selected by Gov. Sulzer to succeed William Willcox as Chairman of the Public Service Commission, First District. Justice McCall sent his resignation from the bench and his acceptance of the office of Public Service Commissioner to Gov. Sulzer by special messenger at 4.40 o'clock this afternoon.

It is expected that the Governor will send the appointment of Justice McCall to the Senate to-night. If the appointment is confirmed immediately the hold-over term of Chairman Willcox, whose actual term expired last Friday at midnight, will terminate automatically, so that the present Public Service Commission will be divided on the subject of the subway contracts—two in favor, Williams and Rustin, and two opposed, Cram and Malibie.

Justice McCall said this afternoon that he knows nothing of the contract except by hearsay. If they are passed up to him it means delay because he will not sign them until he has given them careful study.

SAYS GOV. SULZER URGED HIM TO TAKE THE PLACE.

"This matter of going into the Public Service Commission has had my consideration for the past twenty-four or twenty-five days," said Justice McCall this afternoon, "through the constant urging of the Governor. To his repeated requests of me that I accept the place I sent my positive declaration, time after time. But the Governor kept pressing me.

"I was fully determined not to accept the position, and had about dismissed the subject from my mind when, on Sunday afternoon, the doorman of my home rang and told me that the Governor had called on me. Without wasting any time and in his characteristic emphatic manner he demanded that I resign at once from the bench. He said the people had honored me by electing me to the bench, and that they wanted me now, and it was my duty to answer the call.

"He put it to me as a duty. Viewed in that light I told him I would consider it. He went back to Albany and I did consider it. By 2 o'clock this afternoon I had made up my mind and as soon as I reached the determination to accept I despatched the following letter to the Governor:

"Hon. William Sulzer, Capital, Albany, N. Y.

"My Dear Governor: I have determined, after my chat with you, and reflecting upon what you urged, that I must sacrifice all personal considerations and respond to your request, in observance of a duty I owe to the people who have honored me to reconsider my refusal to accept and will do what you wish.

"I am leaving a work that I am devoted to and in which I hope I have met, in some small measure, that which was expected of me. I am severing companionships of the most devoted colleagues, whose great and unselfish labor and endeavor for their State and country will undoubtedly meet the full appreciation of the people for whom they are striving, and in leaving them it tears at the heartstrings; but if I am left no alternative, and I shall send by the messenger, who bears this letter, my resignation as Supreme Court Justice and will take up the duties of my new assignment with the promise to you to devote all that I am possessed of in the way of energy and ability to the accomplishment of all the duties that may devolve upon me. With the warmest

JUSTICE E. E. M'CALL TO SUCCEED WILLCOX IN SERVICE BOARD.



"BIG TIM" WORTH \$2,000,000; LIST OF HOLDINGS FILED

Sullivan, Now Incompetent, Had Wide Interests and Owned Much Real Estate.

A schedule of the real and personal property owned by Timothy D. Sullivan, now an adjudged incompetent and confined in Dr. Bond's sanitarium at Yonkers, was filed in the Supreme Court today by the commission appointed to appraise the Congressman-elect's holdings and also to determine his heirs in the event of his death. The "Big Fellow's" estate is roughly estimated at more than \$2,000,000 in value, although the commission only states that its value is "far in excess of \$100,000."

The incompetent's real property is as follows: Premises at No. 26-29 Broome street, which is the Occidental Hotel; No. 208 Bowers, the home of the T. D. Sullivan Association; No. 15 East Fourth street, the location of the Dewey Theatre; No. 20 West Seventy-fifth street, the residence of his niece and nephew; No. 145 East One Hundred and Twenty-fifth street, the location of the Gotham Theatre, and unimproved lots at Two Hundred and Seventy-seventh street, in what is known as the Drexler tract. Besides these holdings, Sullivan owns property at Fletcher avenue and Chester street, Mount Vernon; at Throggs Neck, N. J., at East Mill Street, N. J., and six lots in East One Hundred and Forty-ninth street, the Bronx.

Personal holdings of Mr. Sullivan in these corporations are listed: Sullivan Advertising Company, Sullivan & Condit, Edison Construction Company, D. Kraus Amusement Company, City Theatre Company, The Dearland Company, Metropolitan Jockey Club, Mills and Factory Sales Company, Maryland State Fair, United Theatre Company, Jacksonville Race Track, Mount Carmel Cemetery, Madison Safe and Deposit Company, National Protective League, Auto-Bus Company of Philadelphia, Demora Printing Company and the Eastern Motor Company.

Flag Must Stand Trial. The demurrer of Jared M. Flag to the indictment charging him and his associates with fraudulent use of the mails was overruled by Judge Fitzgerald today. Flag and the others indicted with him will now have to go to trial.

FOLKS'S ORDINANCE WOULD STOP PERIL IN "MOVIE" SHOWS

Fixing the Blame for East Side Tragedy That Cost Two Women's Lives.

STAMPEDE AND PANIC.

Hundreds of Places More Dangerous, Says Fire Commissioner Johnson.

Disasters like that in the Houston Hippodrome in East Houston street last night, when two women were trampled to death and five others probably fatally hurt in a senseless panic, can be prevented in the future by the passage of the Folks ordinance governing movie picture houses.

The Folks ordinance, drafted and introduced by Alderman Ralph Folks, was intended to cover such small places as that in which last night's tragedy occurred. The ordinance does away with the stairway entrance, and it was a stairway entrance on which a crowd surging out and another crowd, having bought tickets, stood firm, intent upon getting in, that caused the deaths and injuries in the Houston Hippodrome. Alderman Folks made a personal investigation of the scene of the catastrophe today. His comments on the case and the situation generally were made after he had returned to the City Hall.

"Alderman Frank Dowling, Alderman Johnny White, a group of Tammany politicians, Carson Chase of Brooklyn, and the theatrical trust were responsible for the defeat of the structural ordinance as originally drawn, and they are responsible for the existence of just such conditions as brought about last night's tragedy," he declared.

SIDEWALK LEVEL FOR NEW HOUSES STIPULATED.

"The ordinance I drew provided that all new moving picture theatres should be on the sidewalk level and provided that no new licenses should be issued without a thorough inspection of each place, with a view to insuring the safety of patrons. The inspection of such a place as the Houston street theatre certainly would have brought objection to that long flight of thirteen steps, half of them wooden, leading to the entrance to the place.

"But the people I have mentioned blocked the passage of my ordinance by tacking on the censorship feature. I charged at the time, and I repeat it, that some of those who fought hardest for the censorship feature did it for the purpose of putting a joker in the ordinance which would cause the Mayor to veto it.

"Alderman Frank Dowling told the Board of Aldermen he would never vote for a structural ordinance. Alderman Johnny White said he was personally interested in the theatrical business and he was the only Alderman to vote against the measure as a whole. The reason why these men, the Tammany group I have mentioned and the theatrical trust, were against the measure is simple.

"Under the ordinance I drew, moving picture shows were allowed to have a seating capacity of 50 without coming under the provisions of the general theatre law, provided they eliminated staves, scenery, curtains, dressing rooms and the other usual theatre hazards. Under existing conditions, if they have a capacity of more than 50 they must be governed by the theatre laws and they make it so expensive it is practically prohibitory. That's what the theatrical trust wants—they don't want their patronage endangered by the growing public demand for picture shows.

"Alderman White introduced an ordinance that for the last two weeks he had been in the habit of waiting for her at One Hundred and Forty-ninth street subway station. He got in the same car with her and continued to oggle her all the way downtown. She caught him and the announce any longer, so had him arrested.

Jacobs protested it was all a mistake and the Magistrate said there wasn't sufficient evidence to hold the man. He cautioned him not to risk in the same car with Mrs. O'Brien again and Jacobs said he wouldn't.

FINE \$40,000 "MELON" CUT UP BY STANDARD OIL

John D. Gets \$10,000,000 From Dividend of \$40 a Share, Declared To-Day.

TO BE PAID FEB. 15TH.

Money Was Collected From Subsidiary Concerns After the Trust Was Dissolved.

John D. Rockefeller is \$10,000,000 richer to-day than he was yesterday. He is the principal beneficiary of a "melon" cut by the directors of the Standard Oil Company, who declared a \$40 cash dividend upon the 1,000,000 odd shares of the company. The whole melon is \$40,000,000.

This distribution, which was ordered to-day, is to be paid February 15. John D. owns 244,419 shares of the company's stock, about one-quarter of the entire stock issue, and in exact figures he will get \$9,776,760.

The quotations upon the shares of the company was 44 1/2 shares, which includes the dividend. Mr. Rockefeller's part of this great aggregation of capital—after it had been "divided" by the United States Supreme Court—is \$10,000,000 in round numbers.

In addition Mr. Rockefeller has a private interest on the same basis in the various Standard Oil subsidiary corporations which were set apart from the parent corporation under the direction of the highest court.

OFFICIAL ANNOUNCEMENT OF THE CUTTING OF THE "MELON."

The official statement announcing the "melon" follows:

"A distribution of \$40 per share has this day been ordered on the capital stock of this company, payable on the fifteenth day of February, 1913, to stock of record at the close of business on the seventh day of February, 1913.

"Prior to and at the time of the distribution of the stocks of the so called subsidiaries of this company, in obedience to the decree in the case of the United States against the Standard Oil Company (of New Jersey) and others, many of the subsidiary companies owed this company large sums of money. The policy of requesting the payment of these sums as speedily as possible was adopted by this company on the advice of counsel, in observance of what was deemed to be the spirit of that decree.

"OGLED" IN SUBWAY, SHE CAUSES OGLER'S ARREST.

Magistrate Warns Mr. Jacobs Not to Ride Again in Same Car With Mrs. O'Brien and Leis Hin Goo.

Robert D. Jacobs, thirty-two years old, of No. 342 Dawson street, the Bronx, must not ride any more in the same car in the subway with Mrs. Margaret O'Brien of No. 412 Beek street. He must not oggle the pretty young matron either. This is what Magistrate Kerneuchen, in the Jefferson Market Court, told him to-day.

Mrs. O'Brien had Jacobs arrested this morning in the Grand Central station. She said that for the last two weeks he had been in the habit of waiting for her at One Hundred and Forty-ninth street subway station. He got in the same car with her and continued to oggle her all the way downtown. She caught him and the announce any longer, so had him arrested.

Jacobs protested it was all a mistake and the Magistrate said there wasn't sufficient evidence to hold the man. He cautioned him not to risk in the same car with Mrs. O'Brien again and Jacobs said he wouldn't.

Patrolman Fox, Whose Confession of Graft Reveals Police Higher-Up



FATAL BOMB IN THE BRONX LIKE ONE SENT ROSALSKY

Also Identical With Infernal Machine That Killed Helen Walker a Year Ago. ALIKE IN ALL DETAILS.

Mrs. Herrera Killed, Her Husband Blinded, and a Girl Boarder Badly Injured.

The slug-loaded infernal machine which instantly killed Mrs. Madeline Herrera last night is believed to have been made by the same hand that assembled the bomb which killed Mrs. Grace Walker, of Taylor, just a year ago to-day, and the one which exploded in the apartments of Judge Rosalsky on March 16 of last year.

Last night's explosion also blinded Mrs. Herrera's husband, Bernardo, Cuban superintendent of the apartment house at No. 1475 Fulton avenue, the Bronx, and filled the body of Miss Sarah Boughtman, their boarder, with wounds and bits of glass.

FOUND DEAD IN CELLAR.

Body of Man With Broken Neck at Foot of Steps. The body of a man, with broken neck, was found this afternoon in the cellar of a tenement-house at No. 20 East Fifty-first street. Investigation disclosed that the man had undoubtedly climbed headlong down a flight of stairs leading from the hallway to the cellar. There is a saloon on the ground floor, but the bartender denied that the dead man had been in the place during the day.

FOX TELLS WHITMAN WHO GOT VICE GRAFT HE GATHERED 5 YEARS

Patrolman Confesses He Rounded Up \$25 to \$100 Monthly From Each Vice Resort and Turned It Over to "Higher-Up" Police.

BIG PART WENT DOWNTOWN, ONE CAPTAIN ASSURED HIM

Was "Loaned" to Collect in Other Precincts When Commanders' Regular Agents Were Ill.

For the first time in recent years—for the first time, in fact, since the Lexow Committee days—a member of the uniformed police force of New York to-day pleaded guilty to the charge of bribery. Eugene Fox, formerly a plainclothes man in Harlem, faced Justice Goff in the extraordinary Term of the Supreme Court this afternoon and confessed that he had collected \$100 a month from George A. Sipp for furnishing police protection to Sipp's Baltic Hotel.

Before he entered his plea of guilty Fox held a long and secret conference with District-Attorney Whitman and Assistant District-Attorney Frederick J. Groehl, who worked up the case against the policeman. In this conference he made a clean breast of his entire graft collections and named the police captain for whom he collected the protection money.

MISS DOROTHY FISK ROBBED OF \$500 BAG IN ST. BARTHOLOMEW'S.

Daughter of Banker Kneit in Communion and When She Arose Articles Were Gone.

Dorothy Fisk, nineteen-year-old daughter of Harvey Fisk, head of the banking firm of Harvey Fisk & Sons, No. 61 Pine street, reported to-day to the East Fifty-first street police station that her sealskin muff and a \$500 gold mesh bag had been stolen yesterday while she was at communion in St. Bartholomew's Church, Forty-fourth street and Madison avenue.

SCHOOL PUPILS REBELLED AT RECREATION ROOM.

Told Parents It Was Like a Damp Cellar, but Principal Smith Let Mothers See for Themselves.

A delegation of worried mothers waited on Principal Frank P. Smith of Public School No. 18 at Audubon avenue, this afternoon, to protest against having their children put in a damp, unsanitary cellar. They learned that the children were not confined in any such place and after an inspection of the recreation hall in the basement went home.

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FOR RACING SEE PAGE 6.